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THE EVOLUTION OF WORLD-PEACE

THE UNITY SERIES. IV

THE EVOLUTION OF WORLD-PEACE

ESSAYS ARRANGED AND EDITED

BY

F. S. MARVIN

'The sympathies of peoples with peoples, the sense of a common humanity between nations, the aspirations of nationalities after freedom and independence, are real political forces.'

J. R. GREEN in 1877

Essay Index Reprint Series

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FREEPORT, NEW YORK

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I

INTRODUCTORY

THE APPEAL TO HISTORY

F. S. Marvin

In this book we are appealing to history for guidance on a question of grave perplexity at the present time and of the utmost moment for the future. This appeal involves two assumptions which it will be well to make clear at once. The first is our answer to the general question, Are we justified in appealing to the past for guidance in the future? What grounds have we for the belief that the future will resemble the past, that its events will follow in any ascertainable sequence the antecedents of history? The second concerns the more limited inquiry, Is the teaching of history in this particular case favourable to our conclusion?

On the first question our affirmative answer is due to the spread of the idea of uniformity in nature, including for this purpose the nature of man. This conception is bound up with the growth of science. No doubt from the earliest times men have said, when judging individuals, 'The child is father of the man' or 'We shall reap what we have sown' or 'Be sure your sin will find you out'. The sequence here was too obvious to be missed, and there was often in early days the notion of some superhuman force or fate in the background, prepared to deal the blow or award the prize.

But the transition from the individual to society, and from the particular society to mankind as a whole, was

a long and difficult step, and we do not find the idea of natural causation, or necessary sequence, in social evolution till late in the history of thought. It first takes shape with the makers of modern science in the seventeenth and eighteenth centuries and becomes definite in the nineteenth. It is coincident with the appearance of a belief in ' progress ', of which belief it is in fact the base.

Now as to the meaning and particular implications of the doctrine of progress there are of course debates enough. Above all it is naturally asked whether, if every society of men, and the great society of mankind as a whole, grows by regular steps to maturity from a simpler and less civilized state, it will not also like every other organism, decline and die. These debates, vital and interesting as they are, do not concern us here. But it does concern us to note that all parties to the debate appeal to history and apply to it the same canons of reasoning as are applied to other questions. The pessimist, the prophet of decline, looks back to Greece or to antiquity and asks whether we are producing better men now than then. The optimist, or prophet of progress, maintains that on the whole we are better, and he bases his belief mainly on the power and growth of science. In each case certain features in history are invoked, and the conclusions vary because of the difference in selection or in stress.

In these essays we are considering historically one great question—the gradual unification of mankind. Whatever may be the biological truth, whether our species be by origin one or more, we find at the dawn of history various isolated societies, which have gradually become more and more conscious of one another and more capable of acting together. The functions of individuals become more varied, as Spencer taught us so elaborately fifty years ago. But concurrently with this the societies have become larger, and all the world has come into touch.

We have tried to describe in some detail a few of the main stages in the latter process, sections cut across the strand of history. If the argument is good, something has been done to fortify the belief which stray idealists have held in all ages of civilization, that man is born to unity of spirit with his fellows; that, if not here, then in some other state he will be at peace. The argument would then have the double character demanded by reasoning on human subjects; it is deductive as resting on the facts of human nature itself, its world-wide similarity, the social quality of our life; and it is inductive if we can show these factors at work in history, producing effects which tally with our premisses.

The inquiry is of practical moment to those who are concerned specially with questions of peace and war, to those, happily a large number in all civilized countries, who are determined to do their best to make the League of Nations a success. The result, if affirmative, will encourage their efforts, because they will feel that the time-spirit, our new fourth dimension, is on their side. When Ruskin told us that the steam-engine was the abomination of desolation, and that we must learn to do without it, we felt some sympathy with him, but sighed at the futility of the campaign. But if we desire peace and co-operation in the world, and can find in history clear indications that co-operation is a growing quantity, then our desires become a reasonable ideal, we are fighting to enlighten mankind as to their true destiny and to hasten its realization. And to the philosopher favourable results would have a further and still deeper interest. For to contemporary thought the social element has become more and more dominant in all departments, in religion, in ethics, in science, in art, and in language. If man's productions are all thus social, we may expect to see his social nature expressed also in institutions and forms of

active union throughout the world. A breach here would disclose a fatal contradiction, and dash our hopes both of the sanity and the future of mankind. From both points of view, the practical and the theoretical, it is a supreme problem; practically, because with his immensely enlarged powers over nature, man has now strength enough, if he will not make peace, for internecine destruction, which if not complete and final, would be certainly incomparably vaster than any we have yet seen; theoretically, because the social nature of his life and thought is now realized as the highest law of his development.

The two ends of the process of which we propose in these essays to offer a few of the chief sections are sharply contrasted. At the one end, the farthest point from us which the eye can reach, we see the solitary family or tribe of primitive men, fighting for existence against beasts and nature in some dark cave or tangled wood, unconscious of the existence of other men except their immediate fellows, groping for the light, and offering their life daily that we might live. At the other end, ourselves, undisputed masters of all other beings, masters also of such forces over nature that we sometimes tremble to think whether we can effectively control the giants we have created, in touch with millions of other men all round the globe, a globe which we have weighed and measured, and surveyed in almost every mile. This is a transformation so stupendous that one would think a knowledge of its stages would prove the most fascinating study for those who inherit the results. But those who have attempted to follow up the story as a whole, with an eye to its issue, are but a handful of self-taught students; it is not yet the recognized way of approach to history, and the author of our tenth chapter has won our gratitude by presenting it for the first time in a connected and

attractive form to English readers. We are not in this book attempting to repeat this task, but merely to select some salient passages from the point of view of efforts deliberately made to organize the civilized world as one. We ought, perhaps, to have begun with the achievements of the ancient empires which took their rise in the great river-basins of the Middle East. But it is a little difficult to see whether the alternate conquerors in the long struggle between the Nile and Mesopotamia had any world-wide notion beyond the aggrandizement of their own dominions. Two teeming populations, with the earliest settled culture on the globe, spread out beyond their proper borders until they came into hostile contact with one another. First the Assyrian, and later the Persian Empire were the result, but it was not until the Greeks under Alexander set out to Hellenize the East that we are conscious of a deliberate effort to complete the encircling of civilization in one system. We discuss this in our second chapter, and show how, though it broke down in its immediate object, the Greek ideas which were thus diffused, in the East by Alexander and in the West by Rome, became in the end the most potent means of human unity. The third chapter deals with the work of Rome, which was able with a better social order at home and in a more favoured central position on the Mediterranean to do finally what Alexander had improvised too hastily in the East.

The work of Rome is really the turning-point in the story. Without it we cannot conceive the sequel, though we can easily conceive the unification by Rome taking place without the previous attempt of Alexander. The essential contribution of the Greeks was their ideas, that of the Romans their executive and administrative power ; for though Roman law has proved an invaluable civilizing agent ever since, it arose itself from the exigencies of their conquests and their government.

The vitality of the Roman incorporation is shown further by its application, in another spirit and to other uses, by the mediaeval Church. This is touched on, at one of its most critical phases, in the fourth chapter. Innocent III is cited as being the most powerful exponent of the idea that the Pope, nominally as successor of St. Peter, really as inheritor of the prestige of Rome, was supreme in all causes, civil as well as ecclesiastical, within the realm of Rome. Here again, as in the case of Alexander, we see the exercise of temporal power break down, while the ideas persist and spread—ideas, in the case of the Church, of religious and moral unity, of the control of individual passions by an ideal and a law from without.

With the break-up of the mediaeval Church in the sixteenth century we reach the period when modern ideas begin to take up the work of unification. It is the point at which diplomacy and 'international law' begin to fill the gap which had been left by the second and final disappearance of Rome as the universal arbiter and link. The work of Grotius, which is treated in the fifth chapter, coincides in a remarkable way with the foundation of modern science by Galileo, Kepler, and Harvey. Grotius's greatest work, *De Jure Belli et Pacis*, appeared in 1625. The first Academy of Science, the Academy of the Lynx, had just been founded. Galileo was writing his *Two Systems of the World*, Kepler had lately announced his Third Law, and Harvey's critical treatise was on the point of publication in 1628. Just as Greek science and Roman law coincided to form the first unification of the civilized world nearly two thousand years before, so modern science and its analogue in international law appear together to bring the world to a state of permanent unity.

But many troubled periods and many streams of blood

had to be crossed before we reach the time of comparative hopefulness which we now enjoy. The old disputes about religion by which the mediaeval Church was ultimately broken, were still being fought out in Germany when Grotius wrote. New disputes—about trade and territorial expansion and the rights of 'legitimate' sovereigns—were to intervene before the first general settlement of Europe in modern times was attempted by the Congress of Vienna and the Holy Alliance. Of all these disturbances the French Revolution, with its sequel, was far the gravest, because it went deeper and stirred the fundamental questions on which modern society has departed from the religious and political ideals of mediaeval feudalism. Personal freedom in thought and action was at stake, the rights of peoples to determine their own government and exclude external or inherited rulers, a new nationalism issuing in an internationalism more broadly based. This is the subject of our sixth chapter, and the temporary settlement, on reactionary though not extreme lines, at Vienna is treated in the seventh. A certain reaction was inevitable because the fervid nationalism of the French, led by the genius of Napoleon, had become aggressive and imposed an alien tyranny on the rest of Europe. When this was rolled back, the natural evolution of the world, on its twin lines of nationalism and internationalism, could proceed in the nineteenth century. This is described in the eighth chapter.

Reviewing the story, and looking round on the mingled tragedies and success of the present day, it is difficult to be proud of human skill in the sphere of world affairs. We win at last a League of Nations, but we win it at the price of the bloodiest and most costly of wars and we believe in it in a timid and half-hearted way. It is the broad view and the long vision which alone can cure our fearfulness and fortify our steps. We may gain these,

in one direction by a wiser study of history, and in the other by the cultivation of a saner faith. The Ascent of Man, if we hold it proved, is the theme of history : being the largest conclusion, it must dominate and co-ordinate the whole, not distorting the details, but putting each particular in its right relation to the rest. In time, anthropology has extended and completed the scope of history, for it has given us that knowledge of primitive life which we may compare with civilization, and it shows us too the slow and similar steps by which man has advanced in all quarters of the globe towards his common goal. In space, we need and are now more and more frequently taking, the international view, not only in science, where it is essential, but in politics and social life, which we have been too apt to treat as a national concern. ' Think internationally ' becomes the statesman's as well as the historian's motto, in place of that ' think imperially ' which lost so much of its charm when practised upon us by others.

Towards the future where vision and faith based on an understanding of history are wanted, a longer vista lies before us than even anthropology can offer of the past. ' Magis me movet illud longum tempus quum non ero, quam hoc exiguum.' To live in that ' long age ' with firm but not exaggerated hope, to see there the world-peace consummated, to which we trace here the certain though often interrupted approach, this is the last and best gift of science in history, the supreme test of the social being of man.

II

ALEXANDER AND HELLENISM

Professor Arnold Toynbee and F. S. Marvin

The Greek approach to world-unity will suggest to the mind two distinct points of view. We may regard the work of the Greeks mainly on its intellectual or spiritual side as a force pervading the world since their time, through the Romans and through the Christian Church, and, since the Renaissance, through all the leading ideas in art, philosophy, and science. In this sense their spirits rule us from the tomb, and their influence, more than any other force in the world, tends in the end to peace, for world-peace must ultimately rest on intellectual agreement, and this is the goal of philosophy and science.

But in a second sense the historian will consider the actual efforts at world-unity made by the Greeks themselves when, in the person of Alexander, they marched eastward and imposed for a time a certain form of their ideas upon the Middle East. The work of Alexander was in fact the first attempt in history to impose a progressive civilization upon neighbouring societies by force of arms. As such it is the prototype of the Roman incorporation of the West, and has stood out ever since as an example for warning and instruction to all would-be conquerors of the world in a superior spirit.

This enterprise of Hellenism under Alexander brings into prominence for the first time the self-consciousness of a civilized society as distinct from and superior to the rest of mankind. The Greeks are the first nation in history who present in a form which we can study, the

problem of a self-conscious civilization face to face with barbarism. We have to ask what this contrast implies. It is not simply the feeling of superior beings towards savages ; it includes also the consciousness of difference in civilizations generally. The ' barbaros ' is not the mere inferior ; he is the man of another language, of other beliefs, of other social and religious practices, though no doubt there is a strong tinge of superiority in the feeling with which he is regarded. He is an outsider.

What social conditions went to create this social self-consciousness, either among the Greeks or in any other society which possessed it ? It implies most clearly the mastery of their fate, in some measure and for some considerable period of time, by the self-conscious people. They have learned to dominate their environment, as in the Aegean world, or in Egypt or Mesopotamia. In the second place, it implies the successful formation of their own social organization. The self-conscious people have achieved something that fulfils the needs and purposes of its individual members. But beyond this, it involves, in the third place, a contact with, an aggression against, surrounding communities. Some measure of expansion seems to be an essential characteristic of the self-conscious civilized community. History is full of varied examples of how this may be done, mostly to the grave loss or even the extermination of the assailed and feebler organization. There is, of course, clear loss to civilization on both sides of such contact, if brutality to the less advanced populations damages the morals of the conquerors. But the ultimate problem of estimating the total result to the civilization and happiness of mankind surpasses our powers of calculation. The contact, however, may be between different civilizations, each able to defend itself, such as we see in China or in Russia at the present time. Such vast problems, as well as the

necessary control of the dominant power, when conquest is effected, call for the growth of a world-conscience, perhaps of a world-authority to enforce that conscience.

The expansion of ancient Greece in this latter sense turned towards the Middle East. They covered, under the leadership of Alexander, the lands which Islam has since absorbed, Egypt, Asia Minor, and Mesopotamia. There is a special historical interest in this case, for it was a far more radical attempt at forcible unity than Western Europe had seen before or has seen since. A unity was imposed in political institutions, in language and literature; and even in religion a certain unity supervened. Moreover, we know the whole story. Nine hundred and sixty-seven years elapsed between the crossing of the Hellespont by Alexander and the Arab attack on Syria, and more than thirteen centuries from the first Greek penetration of the Middle East in the seventh century B.C. to the final transmutation of the Greek spirit in Arab hands in the eighth century A.D. We find the inscriptions of Greek mercenaries on statues of Memnon in Upper Egypt dating from the seventh century before Christ, and John of Damascus, the eminent doctor of the Eastern Church in the eighth century, gives the later limit.

Greek culture before this contact with the Middle East had covered a period of about eight centuries. It had developed maritime city states around and in the Aegean. It had spread round the Mediterranean and had begun the process of penetration which Alexander was to carry to its farthest limits. This penetration had been going on for two or three centuries before the critical contact with the Persian Empire. At Marathon and at Salamis the Hellenic world had repulsed this attempt at unity by the Middle East acting westward. Their success on this occasion was the greatest event in the building-up

of their national self-consciousness. Then came the failure of their own internal efforts at unity, the Athenian Empire baulked by Sparta in the Peloponnesian war. The catastrophe of 431 B. C. was followed by a century of woe. The internecine struggles of the city states left the way open for the Macedonian conquerors, Philip and Alexander, who put themselves at the head of the Hellenic world. The conquering house then led the Greek advance on its crusade to the Middle East.

What do we know of the Middle East before its contact with Alexander's advance? and in what state was it prepared to meet it? Our knowledge here, though less intimate, is far more extensive; it reaches from the fourth millennium to the fourth century B. C., i. e. for more than four times as long as our knowledge of the Greek world. And the civilization itself was of much longer date than the Greek. These eastern civilizations had conquered and occupied the great river-basins in the earlier part of their long evolution. This had been accomplished by the beginning of the second millennium B. C. In this phase the Egyptian and the Mesopotamian basins were separate unities. In the second millennium, and for a period of more than a thousand years after, these two unities had come into contact with disastrous shocks. The Assyrian wars were the culmination. The Greeks could look on, *tertii gaudentes*. In the interval that passed before Alexander's advance the Persians had succeeded easily in uniting the Middle East, but the Greeks, as yet unable to permeate Asia Minor themselves, resisted the Persian fusion. The Middle East lay torpid, awaiting the Greek expansion as Persia decayed.

Let it be noted that at the time of the Greek expansion under Alexander both the attacking and the attacked were past their zenith. But the Greeks, though they had just experienced their first grave catastrophe in the

Peloponnesian war, were still full of energy and initiative. The war had not destroyed the national vigour which produced a Thucydides and a Plato. The training in warfare prepared Philip and Alexander for their work. On the other hand the civilization of the Middle East was passive and inert. It seemed bound to run out to the end of the course set by an earlier initiative, unless deflected by an outside force. It had been rising for two millennia and had then passed through more than one thousand years of catastrophe and conflict. It now lay ready for attack and absorption by the more vigorous Greeks; and Greek civilization was to recover itself by assimilating this fresh material, and to move forward again with renewed strength.

There were many factors in the situation, for and against successful fusion. It was a favourable factor that the oriental had an older religious experience than the Greek. In the East was wisdom born of sorrow. Hebrew prophets had been expressing in the eighth and seventh centuries what Greeks began to feel in the fifth and fourth. This is the source and explanation of that long religious penetration proceeding from the East to Greece, the cults of Cybele and Isis, and the later religion of Mithra and of Hermes. Christianity itself shows abundant traces of the communion of the Greek mind with the East Another favourable factor was the superiority and vigour of the city state contrasted with the mass society and centralized organization of the Oriental powers. Antioch and the cities founded by Seleucus and his house bear witness to the vitality of this development. They contain the agora, the theatre of the old Greek world, they nourished schools of rhetoric and philosophy which had continued life down to the advent of Islam.

But there were other feelings and forces which made against fusion.

There is a certain natural antipathy between Greek and Oriental, a different outlook, a different rhythm of life. How the Persians felt about one aspect of Greek life was pointedly expressed by Cyrus to the Spartan herald who brought him the warning and defiance from their city. Never yet, he said, did he fear men such as these, who had a place appointed in the midst of their city where they gathered together and deceived one another by false oaths. 'These words Cyrus threw out scornfully with reference to the Hellenes in general, because they got for themselves markets and practised buying and selling there; for the Persians themselves are not wont to use markets, nor have they any market place at all' (Herodotus i. 153). The absence of the 'agora', the talking-shop, the Parliament of the West, is a significant mark of the old theocratic order. These free-speaking, free-thinking Greeks had lost most of that old religious prejudice which led the Egyptians (Herodotus ii. 39) to cast into the river the head of their sacrificial beast like a scapegoat with its imprecations. If, we are told, they found a Hellene at hand they would sell it to him and despised him into the bargain. And was not the 'Abomination of Desolation spoken of by Daniel the prophet, standing where it ought not', only an altar of Zeus Ouranios?

But the Greeks also had feelings which made against fusion. They were intensely attached to their ancient homes, and this home-sickness showed itself even in the lives of the most distinguished and successful members of the Seleucid house. Seleucus himself was on his way back from Asia to his old Macedonian home when he met his death by the hand of Ptolemy Ceraunus. Antiochus Epiphanes preferred to build temples at Athens rather than at his own city of Antioch. All through, in fact, Hellenistic politics continued to cluster round the homeland of Greece.

Starting from 334 B. C. we may distinguish five periods in the development of the contact, five scenes in the plot.

1. There was first, 334–275, the period of complete military conquest. The collapse of the old empires of the Middle East, a period of anarchy and invasion.

2. The second period, from 275–201, was a time of reconstruction, a rally of the new powers. It may be compared with the state of sixteenth-century Europe, when kingdoms were built up from a previous state of confusion and chaos. But in the Hellenistic world it is worthy of note that the new powers arose not on the site of the old, not in already populous areas, but in new places, such as Antioch and Alexandria, specially selected by the conquerors. Such was the case in North Syria, Trans-Jordania, and Bactria.

3. On this there followed a third period, 201–64 B. C., when a second inter-state struggle took place in the Greek world. At this time the Roman Conquest of the Eastern world was beginning to spread. In 189 the Romans had forced a treaty, on Brest-Litovsk lines, upon the Seleucids; in 133 Mesopotamia was lost to the Parthians.

4. In the fourth period, 64 B. C. to A. D. 633, this process was carried to its logical conclusion. The Middle East had been partitioned territorially between the Roman Empire and the leading non-Greek claimant of Middle-Eastern power, first Parthia and then Persia. The Romans had fully succeeded to the heritage of the Greeks in Europe, they were now the Greco-Roman power, unifying the Mediterranean world. The result of this division between the two great fragments of the Middle East was that the parts west of the Roman frontier remained Hellenized for seven centuries longer than the parts to the East. The Hellenized portion struggled constantly to reunite the whole, and its struggles led to frontier wars with Parthians and Sassanides; but in

the part which remained nominally Roman the conquered Hellene ruled his new masters in spirit.

It is interesting to follow, just at the boundary line between the Hellenized and the Eastern parts of the Middle East, the fluctuations and conflicts between pro-Greek and anti-Greek sympathies. Syria and Egypt became Christian between A. D. 250 and 450, and remained generally Hellenic in sympathy. Nisibis, in A. D. 363, refused to be ceded to Persia. The Nestorian heresy, which flourished at Nisibis and farther East, was an Oriental reaction against Greek influences and resisted all attempts to incorporate it in the Western system. The Montanists of Asia Minor, also largely Eastern in aspiration, had their Western and their Eastern branches, the former mainly Catholic in tone and practice, the latter less amenable to Western influence.

5 In the fifth period, A. D. 633–750, the Moslem conquest rolled back the Western invasion, and we see a repetition in that part of the world of the events of the sixth century B. C. The new Eastern conquerors seemed to take up again the work of the Persian. Their advance was equally sudden, it was equally directed against the Greeks, though now they were Greeks of the decadence and not of the prime, and the new Moslem conqueror, like the Persians of old, succeeded in reuniting the Middle East against the Greeks and against the whole West, which was beginning a new evolution on other lines.

This new break in the attempted unity of Greek and Middle-Eastern civilization seemed to leave the gulf between the two sections wider than before Alexander's advance. There was on each side a deepening of internal unity, an increase in the intensity of the self-consciousness of the separate civilizations, a hostile attitude which created the Crusades and is far from being extinguished in our own day. Instead of Greece and the Persian

Empire face to face from the fifth century B.C. and onward we have now from the Middle Ages to our own time Christendom and Islam, each based on a deeper religious sentiment and a stronger consciousness of difference. Yet though this consciousness of difference and separation has become greater, the period of contact left behind it objective common elements in Western and Islamic culture which may assist their fusion in the future. Of all its definite results the most important was probably the fact that Christianity, when later it was born on Semitic soil, found at once a Western, European civilization in which to spread. St. Paul wrote and spoke in Greek and was a citizen of Rome, and all the apostles began at once to teach in what was in effect a part of Europe. Then, when the centres of Christian authority were established, they were at Rome and Constantinople, and not in Asia.

The work of Alexander, the greatest definite effort at world-incorporation made by the Greeks, broke down, however, by its inherent weaknesses; but it became a model of such action for subsequent conquerors, action by a stronger and more civilized people upon the weaker and less well organized, from above and by force. The Romans, absorbing their ideas and carrying them out in a more connected and permanent way, gave us the nucleus of Western civilization. But in a more indirect and impalpable way the Greek spirit lived on, and as the spirit of reason it makes everywhere and always for world-peace; for this must be based on reason, controlling and co-ordinating the diverse and often rebellious elements of human life. Reason, applied to the phenomena of the world, produced, starting from the Greeks, the fabric of more and more unified science. Reason, in the sphere of government, pointed to some possible reconciliation of human passions and interests under the aegis

of international law. Reason, pointing to the ideal, proclaimed that only by common action and community of thought could the growing variety and richness of human life be developed towards its natural end, which the Greek philosophers were the first to discern.

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III

THE WORK OF ROME

Sir Paul Vinogradoff

It is not uncommon in our days of superficial impressionism and unstable convictions to doubt the value of history. As the past never repeats itself exactly in the same way as before, modern sceptics come to discard its memories as useless stories. And yet history, if studied without prejudice, teaches the greatest lesson of all—to treat social life not as a mechanical combination, but as an organic process. We are constantly striving to shape and improve it, but it cannot be pulled to pieces and resettled at pleasure, because its roots are in the past and its functions stretch over centuries. Its growth and defects have to be studied in the light of social biology, social hygiene, social pathology, not in that of social mechanics. This is why thoughtful men are instinctively or consciously attracted by the 'links with the past' which are so numerous in our every-day existence.

Let me remind you of a familiar link of this kind. We have often read and heard the story of the Apostle's plight when he was arrested at Jerusalem.[1] 'And as they bound him with thongs, Paul said unto the centurion that stood by, Is it lawful for you to scourge a man that is a Roman, and uncondemned? When the centurion heard that he went and told the chief captain, saying, Take heed what thou doest: for this man is a Roman. Then the chief captain came, and said unto him, Tell me,

[1] Acts xxii. 25 ff.

art thou a Roman ? He said, Yea. And the chief captain answered, With a great sum obtained I this freedom. And Paul said, But I was free born. Then straightway they departed from him which should have examined him : and the chief captain also was afraid, after he knew that he was a Roman, and because he had bound him.' Finally, after Paul as a Roman citizen had appealed to Caesar, the governor sent him to Rome. Consider the meaning in this story : it tells us of the confident claim of justice on the part of an adoptive son of Rome. It is not domination and exploitation which is the outcome of Rome's victories in this case, but primarily a legal standing—the claim to a fair trial and a just sentence. The story is symbolic for the work of Rome in the world.

There can be no doubt that the campaigns of Scipio, of Sulla, of Caesar, were prompted not by pure idealism, but by the natural expansion of political forces. But they were not conducted as chance adventures : they resulted in organization and the supremacy of law over millions of men who had long been swayed about by the billows of civil strife and national discord. Many dark deeds were performed by tyrannical emperors ; the new rich and the old courtiers of the Capital led a life of lust and corruption, many of the provincial governors and tax-gatherers made themselves odious by their extortions, the ancient ideals of political liberty were discarded. But, nevertheless, the advent of Roman Peace (Pax Romana) marked a new period in the history of the world, broke down the barriers of internecine hatred, gave a real meaning to the conception of civilized mankind, made possible an era of prosperity and economic progress.

This is the clue to the understanding of the Empire : the ideals of the republican commonwealth had to make way for a political power towering over the claims, needs,

and aspirations of all the nations concentrated around the Mediterranean sea. Suetonius tells us of a red-letter day in the life of the aged Augustus, when as he was sailing along the bay of Naples merchants and sailors from an Alexandrian ship which had just arrived came to him wearing white robes and garlands, and burning incense, and heaped upon him prayers for his welfare and extravagant praises; it was through him, they said, that they lived, through him that they sailed the sea, through him that they enjoyed freedom and fortune. Much pleased by this incident Augustus gave money to those with him to be spent exclusively on merchandise from Alexandria.[1] In the state document rehearsing his great deeds, the *Res Gestae Divi Augusti*, of which the larger part has been preserved in the inscription of Ancyra, one of the principal recurring themes is the pacification of the world. 'I undertook wars both civil and foreign by land and sea all over the world, and after victory I spared the lives of all surviving citizens. Foreign races which could with safety be pardoned I chose to preserve rather than to destroy.[2] (c. 3). . . . In commemora-

[1] Suet. *Octav.* c. 98. 2.

[2] *Mon. Anc.* cc. 3 and 11–13 'Bella terra et mari civilia externaque toto in orbe terrarum suscepi victorque omnibus superstitibus civibus peperci. Externas gentes, quibus tuto ignosci potuit, conservare quam excidere malui. . . . Aram Fortunae reduci . . . pro reditu meo senatus consecravit, in qua pontifices et virgines Vestales anniversarium sacrificium facere iussit die, quo consulibus Q. Lucretio et M. Vinucio in urbem ex Syria redi. . . . Cum ex Hispania Galliaque, rebus in his provinciis prospere gestis, Romam redi Ti. Nerone P. Quintilio consulibus, aram Pacis Augustae senatus pro reditu meo consacrari censuit ad campum Martium, in qua magistratus et sacerdotes et virgines Vestales anniversarium sacrificium facere iussit. Ianum Quirinum, quem claussum esse maiores nostri voluerunt cum per totum imperium populi Romani terra marique esset parta victoriis pax, cum prius quam nascerer a condita urbe

tion of my return the Senate dedicated an altar to Fortune the Restorer . . . on which they bade the priests and the Vestal Virgins perform annual sacrifice on the day on which in the consulship of Quintus Lucretius and Marcus Vinucius I returned to Rome from Syria. . . . When I returned to Rome from Spain and Gaul after success in those provinces the Senate decreed that in commemoration of my return an altar of the Peace of Augustus should be dedicated in the Campus Martius on which they bade the magistrates and the priests and the Vestal Virgins perform an annual sacrifice. The temple of Janus, which our forefathers willed should be closed when peace was secured by victory throughout the world under Roman sway, and which is traditionally recorded to have been closed, before my birth, only twice since the foundation of the city, the Senate decreed was to be closed three times during my principality.'

The immense value of this pacification was realized more and more by later generations who grew up within the well-protected frontiers of the Empire. Its blessings made the provincials almost forget the acts of cruelty and caprice of such men as Caligula and Nero. The Jewish Platonist Philo describes in glowing terms the impressions of a delegation of Alexandrian Jews who were admitted to present a petition for the redress of grievances to Caius Caligula. He refers to the great statesman ' who first received the title Augustus . . . who took charge of a world in turmoil and confusion when he succeeded to the government of the Empire . . . almost the whole human race would have been exhausted by mutual slaughter to the point of complete extinction but for one man and leader, the great Augustus, who should have been called the saviour. This is the Caesar who calmed

bis omnino clausum fuisse prodatur memoriae, ter me principe senatus claudendum esse censuit.' Cf. also Dio Cassius, lii. 16.

the storms which had broken in all quarters, who healed the plagues, afflicting Hellenes and barbarians alike, which had swept from the south and east and spread to the west and north, sowing over the lands and seas the seeds of disaster. . . . This is he who put an end to the wars both open and secret caused by the attacks of robbers ; he who cleared the sea of pirate craft and filled it with merchant shipping ; he who delivered all the cities into freedom, who brought order from disorder, who tamed and harmonized all the wild tribes which seemed incapable of social life, who secured peace, who dispensed to each his portion . . .'[1].

With reference to the accession of the Emperor Caius himself Philo describes the wonderful prosperity and unity of the Mediterranean world after half a century of peaceful rule. 'When, on the death of Tiberius Caesar, Caius succeeded to the government of the world by land and sea he found it factionless and orderly ; all its parts—east, west, south, and north—combined into harmony—Barbarian with Hellene and Hellene with Barbarian, soldier with civilian and civilian with soldier—united in the common enjoyment of peace. Who then was not filled with wonder and astonishment at his exceeding and inexpressible good fortune? inheriting as he did all those material blessings heaped up ready to his hand: treasuries overflowing with wealth, silver and gold as raw material, as currency, as adornment in the form of goblets and other *objets d'art* ; armies and fleets at full strength, revenues pouring in as from an inexhaustible fount, supremacy over not only the greatest and most closely related parts of the civilized world—those parts which one would truly call civilized, bounded by the two rivers Euphrates and Rhine (the latter cutting off

[1] *Legatio ad Gaium*, par. 143 sqq. Cf. Josephus, *de bello Iud.* ii. 16.

Germany and its more savage tribes, the former Parthia and the Sarmatian and Scythian races which are no less barbaric than those of Germany) . . .'[1]

Some of the material results of the peaceful organization of the Empire are even now before our eyes. The traveller who drives in a motor-car on a firmly metalled road in Tunis, the home for many generations of man-hunting pirates, is constantly reminded of the well-being of the Roman province of Africa in the age before the Vandals and the Moors. The routes opened through mountains and deserts, through bogs and forests, for the movement of troops and the transport of merchandise, constituted a network of communications unrivalled in the history of the world until the era of steam locomotion. The adjustment and development of economic intercourse made it possible for Agrippa, with the help of Greek surveyors, to carry out a gigantic census of land and cultivation in all the countries of the Empire. It took Zenodorus thirteen years and seven months to measure the distances on the roads of the East; Theodotus accomplished the same task in the North in nineteen years eight months and ten days; Polycletus was busy in the South for twenty-four years, while Didymus registered the measurements in the West in seventeen years.[2] The circle of Mediterranean civilization became under the Empire a vast economic organization, in which each part acted to supply some want of the others, and drew upon them for the satisfaction of its own requirements. The corn-growing regions of the Black Sea, of Egypt, Africa, Southern Spain, Sicily sent wheat and barley to districts like Gaul or Asia Minor, which in their turn supplied manufactured products—cloth, linen goods, pottery. The

[1] *Legatio ad Gaium*, par. 2.

[2] Vegetius, referred to in Duruy's *Histoire des Romains*, vol. iii; English ed. 1883–6, vol. iv, pp. 9, 10.

ancient centres of civilization, Greece and Italy, stood in need of a constant influx of supplies. Their country population had to a great extent migrated to the cities, and the glorious deeds of their ancestors were appealed to in order to justify the idleness and corruption of the offspring, for whom 'bread and games' had to be provided as unearned boons. The moving walls of the legions at the frontiers had also to be supported economically from the Hinterland, but their privileges were indeed well earned: they made the economic organization possible.

It was more difficult to raise the standard of public interest and administrative efficiency than to open the roads for industry and commerce. The correspondence of Trajan with Pliny the Younger during the latter's tenure of the governorship of Bithynia bears witness to the decay of the spirit of self-government and to constant appeals for the interference of central authority in the settlement of vital problems of local life. Sinope wants water, and there is a project of building an aqueduct over difficult ground, will the Emperor authorize the enterprise? 'Yes, when you have carefully examined the dangerous spots and if the expenses are not too heavy.'[1] Nicomedia has spent 320,000 sesterces on an aqueduct which has tumbled down, and two million on another which has been abandoned. The governor thinks he can construct a third which will hold out, provided the Emperor sends an expert in the construction of fountains and an architect. 'Provide Nicomedia with water, but inquire by whose fault so much money has been lost.'[2] Pliny is afraid that the contractors of Prusa get more than is due to them, and asks Trajan to send an accountant to verify the cost of the works. 'There are accountants everywhere; look out and you will find them.'[3] The

[1] Epp. X. xc (xci), xci (xcii). [2] xxxvii (xlvi), xxxviii (xlvii).
[3] xvii B (xxviii), xviii (xxix).

cities of the province have funds, but cannot place them at 12 per cent. interest; ought the rate of interest to be reduced, and should the members of the corporation (decuriones) be compelled to take over these funds? 'Lower the rate as much as is necessary to find borrowers, but do not force people to borrow when they do not want to do so.'[1] The privileges of Byzantium are protected by a centurion: Juliopolis in Bithynia requests a similar protection. 'Byzantium is a great city frequented by many strangers, and a protector of the city's rights is necessary to it. If I give one to Juliopolis, all the small towns will ask for the same favour. You, as governor, have to see that the cities of the province do not suffer any harm.'[2]

Altogether the central government is making strenuous efforts to assist the poorer classes of the population. The traditional policy of agrarian colonization prompted an interesting experiment devised by Nerva and carried out by Trajan. An alimentary institution was founded in Italy with a view of giving relief to needy citizen families, and encouraging them to rear children. The State made loans at the exceedingly low rate of 5 per cent. to landowners who wanted capital, and the interests were accumulated to provide yearly allowances for the bringing up of children. 192 sesterces a year were granted to each boy and 144 sesterces to each girl. The former sum would buy in those days 188 kilos of bread, so that the daily bread ration of a boy amounted to 463 grams, not a bad allowance in the case of assistance which was not meant to cover the budget of a family, but to supplement it. In the little town of Veleia 3,000 children received alimentation in this way, and we hear that there were 5,000 children in Rome who enjoyed similar liberalities.[3]

The Emperor Hadrian, who was a great traveller, and

[1] liv (lxii), lv (lxiii) [2] lxxvii (lxxxi), lxxviii (lxxxii).
[3] Cf. Duruy, vol. iv; Eng. ed., vol. iv, pp. 789–91.

knew more about the state of the Roman provinces than perhaps any other Emperor before or after him, set himself to remedy another disease of the State—the abandonment of wide tracts of territory by the farmers. In order to promote cultivation on these *agri rudes*, Hadrian granted to squatters who would occupy such lands security of tenure as to the plots reclaimed. A document relating to certain lands of this kind states that: '. . . in those parts which are not cultivated by the lessees those who have occupied the soil shall be granted the right of possession, of usage, and of succession which is included in Hadrian's law concerning uncultivated lands and lands which have been left untilled for ten consecutive years. . . . As to olives which any given squatter may have planted or grafted on to wild olive-trees no payment shall be demanded for the fruit gathered during the next ten years; nor of the apples for the next seven years, nor shall other fruit ever be reckoned in the division of the produce except that which shall be sold by the squatters. These payments in kind for arid land shall be paid during the next five years to the lessees whose fields have been occupied and afterwards to the fiscus.[1]

It is out of the question for us to follow the vicissitudes of the economic process within the Empire which resulted in the compulsory system of the fourth century. It is

[1] '. . . in illis partibus quae . . . nec a conductoribus exercentur iisque qui occupaverint possidendi ac fruendi heredique suo relinquendi id ius datur, quod est lege Hadriana comprehensum de rudibus agris et iis, qui per X annos continuos inculti sunt. . . . De oleis quas quisque e possessoribus posuerit aut oleastris inseruerit, captorum fructuum nullos decem proximis annis exiget, set nec de pomis septem annis proximis. Nec alia poma in divisione unquam cadent quam quae venibunt a possessoribus. Quas partes aridas fructuum quisque debebit dare, eas proximo quinquennio ei dabit, in cuius conductione agrum occupaverint: post id tempus rationibus fisci . . . inferentur.' Giraud, *Textes*, p. 187.

easier and of greater significance for universal history to note some of the salient points in the development of Roman law, which is certainly the greatest contribution made by Rome to the civilization of the Mediterranean circle of nations. I should like to point out how the narrow restrictions and prejudices of the municipal laws of the various communities which came to be included in the Empire gave way before wider conceptions of justice and humanity. The process of transformation took place under two ruling influences: the strong logical sense of the Roman people, who had already constructed a powerful native system of law, the *ius civile* or *ius quiritium*, and the doctrines of equity resulting from the intercourse of the Greeks with the surrounding nations. Let us take as a central period for our study the age of the Severi, the reigns of Septimius, Caracalla, and Alexander Severus (193–235). This epoch is marked by the activity of three of the most illustrious masters of Roman jurisprudence, Papinian, Paul, and Ulpian, and it is from the work of these that I will draw most of my examples.

The study of this time is especially convenient for our purpose because it is in the reign of Caracalla that the famous edict of 212, granting Roman citizenship to the population of the civilized world was published. I use the term civilized world on purpose, because the edict did not include the *dediticii*, conquered tribes who had not yet reached the stage of city organization. The genuine text has come to light recently in the shape of a papyrus excavated in Egypt. We read in it: I grant (citizenship) to all foreigners within the Roman political world, with the exception of the *dediticii*, every kind of administration remaining as it is.[1] This means that the grant was not so

[1] P. Giessen. 40. Mitteis, *Grundzüge*, No. 377. *Δίδωμι τοῖς συνάπασιν ξένοις κατὰ τὴν υμένην πολιτείαν Ῥωμαίων, μένοντος παντὸς γένους πολιτευμάτων, χωρὶς τῶν δεδειτικίων.*

universal as was commonly supposed, and that municipal organization was a condition precedent to its application. Even so, however, it was very wide, and testified to the great process of fusion which had been going on for centuries between the legal rules and customs of the cities within the Empire.

Citizenship is one of the three principal aspects of *Status* in the ancient world—(freedom, citizenship, and family). The circle of legal relations embraced by the status of freedom had undergone very profound alterations since the days of the Republic, when it was built up on the rigid contrast between freedom and slavery. To be sure, the condition of slavery had not been abolished by the Empire, and the number of persons subject to its yoke was still much larger than that of the free men. But the law took notice of the human personality of the slave in many ways. The Senatusconsultum Venuleium Saturninum laid down the principle that in criminal cases the same forms of procedure should be used in regard to the slave as to the freeman.[1] Claudius granted emancipation to slaves who had been abandoned by their masters in old age and infirmity.[2] Antoninus Pius forbade the killing of a slave or the subjecting of him to torture unless this was done in execution of a legal order.[3]

Freedom is ' favoured ' by law (*favor libertatis*), and one of the consequences of this principle is the admission of the personal honour of slaves. If a woman of servile origin is sold on condition that she shall not be subjected to prostitution, and the purchaser violates this condition, the slave is declared to be emancipated by a law of Alexander Severus.[4] Should the vendor abstain from prosecuting the purchaser, the woman has the right to urge her claim herself.[5]

[1] *Dig.* xlviii. 2, 12, 3.
[2] Ibid., xl. 8, 2.
[3] Gaius, i. 53 ; *Dig.* i. 6, 1, 2.
[4] *C. J.* iv. 56, 1.
[5] *Dig.* xl. 8, 7.

If any accused slave succeeded in clearing himself after torture, the accuser had not only to pay to the master twice his price, but, besides, to give proportionate satisfaction for the *calumny* against the slave.[1] This is a significant recognition of the moral right of the slave to an unstained reputation. Many edicts of the second and third centuries enjoin and facilitate manumission. I will refer as an example to Hadrian's edict confirming emancipation of slaves by illegal codicils, provided the minimum price of 20 solidi per head can be paid, and the confirmation of emancipation in invalid wills under Septimius Severus and Caracalla.[2] In conformity with the spirit of these edicts we find the jurists extending their application in every way by liberal interpretation. Papinian, for instance, has left us several consultations (*responsa*) which facilitate the final emancipation of so-called *statu liberi*, that is, slaves whose freedom depended on the fulfilment of certain conditions by the heirs of their former masters,[3] especially in cases when the order to emancipate had been given to one person, and the direction as to transferring certain proprietary rights had been addressed to another.[4]

Another point of Roman law that was considerably modified in the course of the Empire concerns the family system. The absolute rule of the father was giving way under the influence of growing individualism. It was designed primarily to enforce by strict discipline the unity of the family as the basis of social organization. It had culminated in the right of the father as lord of the household to put its members to death if he thought fit (*ius vitae et necis*). Such absolute authority was no longer maintained in the civilized commonwealth of the second

[1] *Dig.* iii. 6, 9.
[2] Ibid., xl. 4, 47; v, 30, 17; *Cod.* vii. 4, 2.
[3] *Dig.* xxxvi. 1, 54, 1. [4] Ibid., xxxvi. 1, 55; cf 1, 17.

and third centuries. In one case only the right of the father to decree a capital sentence was still expressly maintained, namely, in the case of adultery committed by a daughter, and a text of our period gives a characteristic explanation of the right: the father is likely to exert it in a more humane manner than the aggrieved husband.[1] Another symptom of the gradual differentiation of the family relations may be seen in the development of proprietary rights of sons as against their father. In old days the chattels (*peculium*) even of the grown-up son were not protected against resumption by the father unless the son was emancipated and had passed into the category of persons 'in their own right' (*sui iuris*). The Imperial jurists of the second and third centuries conceded to the son protected possession of his military portion (*peculium castrense*), and gradually extended the range of objects and rights which could be acquired under this title; a man could inherit from his deceased wife under this head, although he could not take the dowry brought from her home (*dos*). Donations made by the father also came under this head provided they had been made when the son started on his military service or in the course of it, not after discharge from the army. Altogether the relations between father and son assume the character of reverence on the part of the latter rather than that of command and unreasoning obedience.[2]

The substitution of moral ties based on affection for rules of domestic discipline manifests itself also in the altered position of female relations as regards inheritance and wardship. The mother comes well to the fore, and is allowed in some cases to oppose the father's orders as regards the residence of children.[3] The Senatusconsultum Orfiteanum under Marcus Aurelius calls the sons to

[1] *Dig.* xlviii. 5, 23, 4. [2] Ibid., xxxvi. 1, 52.
[3] Ibid., xliii. 30, 1, 3; 3, 5; cf. xxvi. 5, 21, 1

succeed their deceased mother (and *vice versa*) without any qualification, on the ground of the tie of blood,[1] while the ancient law of intestacy was primarily derived from the arrangements of the household, and therefore favoured male relatives who had belonged to the same original family. A corresponding tendency may be noticed in the admission of female relatives to a certain participation in the conduct of wardship,[2] although the guardian must necessarily be of the male sex. The mother, the grandmother, and the sister are allowed to bring an action against an untrustworthy guardian (*accusatio tutoris suspecti*).[3] Another consequence of the dissolution of the close household organization of old is apparent in the interference by the State in the appointment and control of guardians. The great number of cases arising from this relation led to the institution by Marcus Aurelius of a special *praetor tutelaris*; the exercise of the duties of guardian came to be regarded as a public burden (*munus*) and subjected to strict responsibility.[4]

It would be impossible to follow the progress achieved in the more technical departments of law, such as the doctrines as to property and possession, succession and testaments, contracts: this would demand a considerable acquaintance with juridical terms and methods. I will refer, however, to two characteristic ideas developed by the jurisconsults of the Empire—the investigation of the presumable intentions of testators and the construction of conventions in accordance with moral requirements. The first of these principles asserts itself in the numerous cases when bequests and manumissions ordered in a will were endangered by the omission or removal of an

[1] S. C. Tertullianum, *Dig.* xxxviii. 17, 2, 1; S. C. Orfiteanum, *Inst.* iii. 4.

[2] *Cod.* v. 47, 1.

[3] *Dig.* xxvi. 10, 1, 7.

[4] Ibid., xxvi. 7, 11; 7, 39, 11.

obligatory condition. Take the case of a will in which the name of the instituted heir had been cancelled by the testator. Strictly speaking, all bequests and other dispositions ought to fall to the ground. And yet Antoninus Pius confirmed after some hesitation the manumissions in the will of one Valerius Nepos in spite of the above-mentioned defect,[1] and Marcus Aurelius made a general declaration to the same effect.[2] Among the fragments of the Responsa of Papinian preserved by a Berlin papyrus, bequests made in a will which had not been accepted direct heir (*heres suus*) according to law were recognized in certain cases, and their validity was derived expressly from considerations of equity (*ex aequo et bono*).[3]

In the interpretation of conventions the same master applied freely the view that conditions laid down without considering moral duties which might subsequently arise should be subject to modification. One of his responsa bears on the case of a dowry constituted by a father to his daughter and son-in-law. By his instrument the father had stipulated that in case of his daughter's death part of the dowry should go to his brother. This was done in view of the fact that at the time when the convention was drawn up the father had no other children. Eventually the lady died. When, however, there were brothers born after the convention had been made it was held by Papinian that there was a *coniectura pietatis*—a moral presumption that the person who had constituted the dowry would not have turned to his brother if he had known that other children would be born to him.[4]

This tendency towards recognizing moral obligations and equitable rights runs through the whole of the work of the leading jurists of the period. It would be wrong to suppose, however, that the diffusion of Roman legal

[1] Ibid., xxviii, 4, 3.
[2] Ibid., xxxiv. 9, 16, 2.
[3] P. Costa, *Papiniano*, iii. 41.
[4] Ibid., iv. 198.

ideas and rules throughout the Mediterranean world resulted in complete unification and in the disappearance of national customs. On the contrary, the process of juridical amalgamation presents two aspects : if, on the one hand, provincial diversities are attenuated and harmonized to a great extent, on the other hand, Imperial laws and decrees are affected by the peculiarities of local usage and national psychology. The inscriptions of Asia and Africa, the papyri of Egypt, the Syrian compilation on law which has come down to us in an Armenian translation, the numerous rescripts of Emperors regulating local difficulties, of which some 1,200 have been preserved by the Codes of Theodosius II and of Justinian, all these sources supply information about a juridical process similar to that by which the languages of modern Europe—French, Italian, Spanish, were developed out of the original Latin tongue. Rules of grammar and lexicology became vulgarized, lost their correctness and purity, but gained in vitality and adaptation to the practical needs of the times. Even so Roman law did not submit to the despotic rigidity of a school system, but flowed like a mighty stream, meandering in its course, and receiving tributaries from various directions. The provincial contributions are most noticeable in the Oriental half of the Empire, thanks to the strength of Hellenistic, Semitic, and Egyptian culture. But a similar process was going on in a rougher manner in the West. The life of Britain, for instance, was not a mere copy of Italian culture : in spite of military garrisons, villas, arts and crafts, there was a latent reaction of Celtic and Iberian elements which could not be stamped out in a couple of centuries by the arms and blandishments of Agricola and Septimius Severus.

As we have been considering with some attention the development of Roman family law, we may perhaps take

notice of one or two characteristic peculiarities of provincial usage. The papyri show us in full swing in Egypt the practice of marital unions on trial. In the time before the Macedonian conquest documents in the Egyptian language disclose the existence of arrangements for one year's union, with the prospect of a possible confirmation by way of a permanent marriage.[1] In the Ptolemaic period the contrast between a preliminary and a complete marriage found expression in the opposition between agreements in writing and agreements without writing (γάμος ἄγραφος). Only the former produces all the effects of legitimate marriage as regards the spouses and their children.[2] Those vernacular forms of the marriage institution continue to exist right through Roman times by the side of ordinary forms established by Roman law.

Similarly, the principles governing provincial customs as regards the property rights of married women were very different in the East from those accepted by Roman law, and these differences are clearly traceable to the influence of Greek and Hellenistic ideas. To begin with, marriage by written contract is prevalent in the Eastern provinces, while in the West oral consent is the main feature of the juridical act. Secondly, the dower brought by the wife from her father's house is constituted as her private property, while according to Roman ideas it falls within the property range of the husband. Without going into many details let us just mention that already the ancient code of the Cretan city of Gortyn treated the προῖξ as the distinct portion of the wife, and as the substitute for her share in the inheritance of her father. The same conceptions are clearly expressed in Attic law, and they endure among the Hellenistic populations of the East throughout the Imperial period. The so-called

[1] Mitteis, *Reichsrecht und Volksrecht*, p. 222.

[2] Ibid., *Grundzüge*.

Syrian Law-book, which represents the legal customs of the Hellenized citizens of Syria, recognizes them emphatically. Eventually the fundamental doctrine of the wife's separate property finds its way into the legislation of the later Empire under Constantine and Justinian.[1]

In a sense this provincial development of Roman law is the beginning of another stage in the history of European civilization—the transition to a world dominated by Christianity. The ideal of a universal faith and a universal justice allowing for the autonomous determination of national and regional communities is asserting itself as against the conception of an all-powerful Empire enforcing peace. Material prosperity had returned to the Mediterranean countries through the unifying policy of Rome, but men cannot live solely on bread: they crave the Word of God, and the Roman Empire could only prepare the soil for its appearance, but could not by itself supply the contents of the New Gospel. In the spiritual fermentation which resulted in the spread of Christianity, there were neither Romans, nor Hellenes, nor Jews, but human beings, who in their search for truth became unified in Christ. It seems as if humanity is bound to follow one creed at a time, until its vivifying force gets as it were exhausted, and another creed is substituted for it. As the ancient ideal of republican virtue had to give way before an ideal of civilized peace, so the Pax Romana was replaced by the leadership of the Church.

[1] On the whole subject see Mitteis, *Reichsrecht*, pp. 225 ff.

IV

INNOCENT III AND THE MEDIAEVAL CHURCH

H. W. Carless Davis

The general subject of this course is the approach to the League of Nations by the path of history. I have been invited to speak to you of the mediaeval Church as a pioneer in the quest for universal peace; and it seemed to me, when I was considering how I could be of service to your investigation, that some useful lessons might be drawn from the career of Innocent III, than whom no pope ever pursued the ideal of universal peace with more persistency and vigour and adroitness. The story of his life is that of a great failure; for though Innocent succeeded in many enterprises, none of them brought him much nearer to the ultimate goal of his policy. But if the League of Nations is to become a living reality, those who shape its constitution and its policy must diligently examine the failures of those who in the past have endeavoured to organize and humanize the relations of civilized states with one another; all the more diligently because what the friends of peace are now attempting has never been achieved in the past. Where successful experiments are to seek, we must get what wisdom we can from studying those which came to grief. In the career of Innocent III we see revealed the traditional aims and methods of Papal policy at its best; we also see some at least of the reasons why aims which were so noble, and methods which were the fruit of such ripe experience, failed not in his lifetime only, but

throughout the period when the mediaeval Papacy was at the height of its power, and was seriously impressed with its responsibility for the peace and welfare of the civilized world.

Unlike the Roman Emperors of the past, the Popes from Gregory VII to Boniface VIII found themselves confronted with a system of national States. In the eleventh century the national spirit of France and England, of Germany and Italy, was only struggling to the birth ; but in the thirteenth century it was a force to be reckoned with, and after Boniface VIII, it definitely proved too strong for the ideal which the Papacy upheld, the ideal of a federal World-State. It is often assumed that what happened then is bound to happen again ; that the national spirit is inveterately centrifugal and disruptive. I do not think that this assumption is warrantable, that the national spirit as such is inevitably hostile to the World-State. It seems so at present, because we have fallen into the habit of thinking that nationality falls short of complete self-realization unless it is expressed in, and is defended by, a sovereign government, which acknowledges no responsibility, no subjection, to any other tribunal than that of the public opinion of its own subjects. Now independence of this kind was not claimed by any European sovereign before the fourteenth century, with the sole exception of the Holy Roman Emperor who claimed to be *iure divino*, the ruler of the World-State ; [1] and our modern conception of sovereignty, in its complete form, is no older than the Renaissance. Before the Renaissance all European States, large or small, national or non-national, were conceived by their subjects to be members of a more comprehensive and

[1] I do not mean that the national sovereigns regularly accepted the Emperor as their suzerain ; but they showed in many other ways their respect for the idea of the *Imperium Mundi*.

more venerable community, the Christian Commonwealth, and to be bound by a Christian law, founded on the Bible and the traditions of the Church, which overrode, as a matter of course, the precepts of local legislation and the claims of national patriotism. No doubt it will be argued against me that this mediaeval theory of limited sovereignty was tried and was found wanting and was rejected. And I admit that this argument cannot lightly be dismissed. For those peoples who in the Middle Ages made the greatest efforts and sacrifices on behalf of the Christian Commonwealth, were not visibly rewarded for their pains; and mediaeval rulers, like Richard I of England and St. Louis of France, who endeavoured to do their duty by Christendom without regard to any considerations of profit and loss, were sometimes the bane of their kingdoms, producing more harm by their good intentions than was ever caused by the selfishness of rulers who pursued a strictly national or dynastic policy. But I do not take such instances of misplaced self-devotion as proving that the ideal of the Christian Commonwealth was absurd; they merely show that mediaeval crusaders, and for that matter the popes who encouraged them, had not advanced beyond a very crude, and indeed an almost barbarous, conception, of the Commonwealth and of the nature of the service which was due to it. Such misconceptions were in the course of centuries gradually exposed and rejected by thinking men. The idea of a Christian Commonwealth which existed by and for Crusades was finally laughed away in the age of Cervantes. But the instances of Richard I and of Louis IX do not suggest that the more altruistic kings of the Middle Ages lowered their prestige or impaired the authority of their office by acknowledging the claim of the Christian Commonwealth to their allegiance. So far as their subjects could see, they were doing their duty; and they were

respected for it, respected even by those who felt no call to join their Crusades. To those who argue that the modern sovereign state cannot afford to humble itself before any superior, we may fairly answer that experience, the experience of the Middle Ages, proves the opposite. If the popular conscience is once impressed with the ideal of the World-State as something essentially greater, more righteous, more beneficent than the nation-state, then national rulers will not weaken, but will rather strengthen their hold upon their subjects by adhering to the World-State and making sacrifices for the well-being of the world. Indeed, mediaeval history would lead us to suppose that, when the ideal of a World-State is sincerely accepted, any national government which obstinately adheres to a narrow, safe, materialistic theory of its obligations, which assumes selfishness to be the only sound rule of conduct for itself and for its subjects, will soon be despised even by those whose interests it professes to represent.

But, it will be said, the Middle Ages were idealistic, and we live in a more prosaic world, which, for good or evil, subscribes to an utilitarian creed. I do not think that this antithesis can be seriously maintained. We have changed our ideals since the Middle Ages, and we are often distracted by the claims of ideals which are or which seem to be mutually incompatible. It would be better for us if we had fewer ideals between which to choose ; then perhaps we should pursue one of them with mediaeval tenacity. But, though we are flighty, we are still idealists. Very few of us would admit that the sole end and object of the State is to secure for each and all of its members the maximum of material comforts with the minimum of exertion and with a total avoidance of self-sacrifice. Most of us still demand that the State to which we belong shall be just and generous to its weaker brethren ; that it shall keep faith with its Allies even at a heavy cost ; that it

shall hold out a helping hand to oppressed and struggling nationalities. We have never yet considered as carefully as we ought the exact nature of the obligations of one State to another. But we usually believe that such obligations exist and that they must be honoured. In these beliefs we have at all events the foundations of a political idealism, which will look to the World-State rather than to the nation-state as the supreme community.

How did the Middle Ages conceive of the World-State, and when did the idea of the World-State first appear? Both these questions may be answered in a fashion by referring to St. Augustine's famous book, *De Civitate Dei*. For this work is the starting-point of all mediaeval speculations on the subject of the World-State. Writing at the time of the ruin of the Roman Empire in the West, St. Augustine suggested to his readers that there was growing up in the world, within the outworn framework of the Empire, a new kind of community, cemented together simply by the common belief of its members in the Christian faith, and by their common and spontaneous allegiance to the Christian law. The *Civitas Dei* was indeed not so much a State as a fraternity. God was its sovereign, righteousness its object. Transcending all distinctions of race and status, it aimed at nothing less than the dominion of the world; but a spiritual dominion, which would not bring it into competition with any mundane State. In fact, the *Civitas Dei* was a Church, though not necessarily a Church united by a central government.

This simple and yet profound conception of the World-State naturally presented difficulties to the minds of those who desired to realize it in the world of fact. Quite early in the Middle Ages we find men asking how the *Civitas Dei* can be held together and directed in the right path, except by some visible human authority. We find them

assuming that it must have magistrates to instruct the consciences of the perplexed, to exact obedience from the refractory, to devise the right means of promoting the kingdom of God upon earth. At first they are content with a Pope as a spiritual director, as a supreme judge in disputes concerning faith and morals. Then, at a considerable interval of time, the less obvious expedient is suggested of recognizing an Emperor who shall reinforce the spiritual authority of the Pope with his good sword, who shall be the defender of the faith and the guarantor of unity. So the Christian Commonwealth becomes, at least in theory, subject to two rulers, each with his own sphere of action and authority. It is the famous theory of the Two Powers, secular and spiritual.[1]

But the Holy Roman Empire, although it had a certain fascination for lawyers and men of letters familiar with Justinian's Code and Vergil's poetry, failed to impress the untutored layman, on whose support its future depended. The first and last mediaeval Emperor whose power seems at all commensurable with his theoretic pretensions is Charles the Great ; and the Empire was a great force in his time only because he was the lord of Western Christendom before he received the Imperial Crown. The Empire did not make him ; he made the Empire. The Empire as revived by Otto the Great, a hundred and fifty years after the death of Charles, was no doubt an imposing fabric. Otto and his successors down to Frederic II were rulers of more extensive territories than any other western sovereign. Otto united the Lombard Crown to that of Germany ; a third crown, that of the kingdom of Arles,

[1] The theory was not altogether new. It appears first in the writings of Pope Gelasius I (492–6), in whose time Rome was still subject to Constantinople. But it becomes important in the ninth century, when it is regularly used to justify the pretensions of Charles the Great and his successors in the Empire.

was acquired in the eleventh century; and two years before the election of Innocent III, the Emperor Henry VI annexed the Norman kingdom of Naples and Sicily (1196). But if the Emperors were feared by their neighbours, they were by no means able to command obedience outside their own territories. They never became the effective rulers of the Christian Commonwealth; for they were suspected, usually with good reason, of representing first and foremost the ambitions of the German people. They did, it is true, enlarge the frontiers of Latin Christendom by asserting their supremacy over Poland, Bohemia, and Hungary, three States which would otherwise have gravitated towards the Greek Church. Occasionally they took part in the Crusades, and one of them, Frederic Barbarossa, actually met his death in the East. But to the duties which Dante in his *De Monarchia* lays upon the perfect Emperor of the future—the duty of protecting the weak against the strong, the duty of acting as the supreme arbitrator and peace-maker, the duty of defending the true faith and the Christian law—to these no Emperor of history paid much attention. We cannot throw on the Empire the whole blame for the long and bitter wars against the Papacy which were so disastrous to the ideal of unity. But the existence of the Empire side by side with the Papacy was a standing menace to the peace of Europe. The claims of the two offices were irreconcilable; and until one or other was rendered impotent, it was out of the question that the Christian Commonwealth should become a State with a constitution and a sovereign.

Now in the time of Innocent III we reach a new stage in the evolution of the theory of the Commonwealth. The Roman Curia has decided, after more than a hundred years of conflict with the Empire, that no compromise is any longer possible. The Pope must be the undoubted head

of Christendom; the Emperor is only to rank as its commander-in-chief, taking his orders from the Pope, and renouncing all pretensions to an independent sphere of authority, except as a king in his hereditary States. Even these he is not to keep in their integrity; he is to be expelled from the Italian peninsula, and the communes of North Italy and the kingdom of the two Sicilies are to be vassals of the Pope. The other sovereigns of Europe must be induced to rally round the Pope. He will not insist on receiving their homage; but he will make it clear to them that his yoke is light and profitable. So the unity of Christendom will be achieved in a new fashion; and how easy will it then be for the Pope to assert the authority of the Commonwealth against the selfish interests, the immoral feuds, the crass apathy which so far have prevented common action, and postponed the day of universal peace!

It was to carry out this programme that the Cardinals unanimously elected as Pope, on Jan. 8, 1198, the youngest, the astutest, the most imperious of their body, Lothar dei Conti, henceforward to be known as Innocent III. The moment for inaugurating the new policy was well-chosen. The Papal party were full of confidence and hope, when they remembered the issue of their last war with the Empire, the war between Frederic Barbarossa and Alexander III, in which the greatest general of the Middle Ages had been fought to a standstill and obliged to make peace on humiliating terms (1176). What was still more important, the victory of Alexander III had been welcomed by Italy and Europe. It had not seemed advisable to push the feud with Barbarossa to extremes. He was an obstinate and high-spirited man; he was very popular in Germany, and respected throughout Europe; his personal character stood high, and it would not have been easy to justify his deposition, or to find

ways and means of giving effect to such a sentence. But Frederic Barbarossa had died in 1190. His successor, Henry VI, brutal, faithless, and grasping, had reawakened in Europe the old fear and mistrust of the Empire ; and his annexation of the Two Sicilies, a State which had hitherto been a fief of the Holy See, seemed a sufficient proof that the inveterate tendency of the Empire was to encroach upon the Temporal Power of the Popes. Four months before the election of Innocent, Henry VI followed his father to the grave ; and his death created a situation, in Italy and in Germany, which was uniquely favourable to the new policy of Rome. Germany and the Imperial title were in dispute between Henry's brother, Philip of Suabia, and Otto, Duke of Brunswick, the head of the Guelf family and the hereditary rival of the Hohenstauffen ; the parties of the two pretenders were evenly balanced. The Sicilies had descended to Henry's infant son, the future Frederic II. His mother and guardian, the Empress Constance, was a devoted adherent of the Papacy ; and in fact it was only by placing herself and her son under Innocent's protection that she could hope to save the Sicilies from being partitioned among the ruffianly German captains who had followed her husband to the south. Innocent found himself, at the outset of his career, the recognized guardian of King Frederic, and the umpire with whom it rested to settle the disputes of the two German factions, and to bestow the Empire as he would.

What manner of man was Innocent ? It is never easy to arrive at the truth about the character of a mediaeval Pope, whose letters were written for him in accordance with time-honoured models, whose individual opinions and feelings were controlled at every turn by the traditions of his office, who lived and worked behind a cordon of cardinals and secretaries and court officials. But few Popes have excited the curiosity of their contemporaries

in the same degree as Innocent ; and few have shown more individuality in their blunders. From casual impressions of those who visited his court, from his own writings, and from his diplomacy, we can form a picture of the man, which is tolerably clear in outline, though vague in many of its details.

He was 37 years old at his election. He came of an old Roman family, which was closely connected with the Curia, and from his youth he had been trained for high ecclesiastical office. He became a Cardinal at the age of 30, by the favour of a Pope who was his maternal uncle ; and from that time to his death he does not appear to have left Italy. In his salad days he went to read theology at the University of Paris, and from Paris he made one flying expedition to England, for the purpose of praying at the shrine of Thomas Becket. His theological education completed, he entered at Bologna as a law student ; and it is safe to say that he achieved far more eminence as a canonist than as a theologian. With his course at Bologna his *Wanderjahre* were over ; they had been distinctly those of the virtuous apprentice. Returning to Rome he entered on a busy career as a pleader and a subordinate judge in the papal courts. What he knew of European politics he learned at Rome between 1181 and 1198, in the intervals of his forensic career. Little wonder that he became imbued with the age-long traditions of Roman statecraft and diplomacy ; he had no opportunities of learning any other.

At one time in his life he cherished literary ambitions ; that is to say, he wrote theological and moral treatises. They show that he knew the Bible as thoroughly as the canon law ; that he was a past master in the art of finding allegories in the plainest texts ; and also, that he had no ideas of his own on the subject of religion. The literary phase of his life falls between 1191 and 1198,

when his star was behind a cloud. A Pope belonging to a rival Roman family was in office, and Innocent was relegated to the background, as completely as a cardinal of his reputation and ability could be. He possessed his soul in patience, and he sharpened his pen to write *inter alia* on the vanity of human wishes (*de contemptu mundi*). A less personal topic, on which he becomes almost fervent, is the littleness of man. That was a familiar commonplace of the schools ; but it was also a guiding idea of Roman statesmanship. Man without the guidance of revealed religion is the most ineffectual and wretched and pitiable of created things. Outside the Church no salvation, no moral worth ; the unbeliever and the uninstructed have nothing in them that is not contemptible and vile. He promised, but apparently never completed, another work on the greatness of man, in which no doubt he would have explained to what heights man may rise when he is inspired by the true faith and guided by supernatural revelations. There is, of course, a profound truth underlying this clerical and theological appreciation of human nature. But when we study the later career of Innocent, we cannot help feeling that his graver errors and miscalculations generally arose from an overweening contempt for unregenerate human nature. He could not realize that the children of this world may be wiser in their own time and place than the most earnest and devoted of the elect.

His strength as a man of affairs lay in his legal training and his judicial habit of mind. His knowledge of the Papal legislation, of precedents and forms of procedure, of the rules of evidence, of the tests by which forged documents might be detected, would have sufficed to stamp him as a man of quite unusual powers of mind, even if he had never passed from the law courts to wider fields of action. He possessed extraordinary powers of

concentration, and a quite extraordinary capacity for combining attention to detail with a clear appreciation of broad principles. As a Pope he devoted a good part of his day to the hearing of cases, the reading of dossiers, the composition of well-considered and well-worded judgements. His correspondence shows that he had the judge's faculty of going straight to the centre of a tangled business; also the faculty, which is only given to the very greatest judges, of getting behind the letter of the law to its spirit, and of solving difficulties in language so lucid and untechnical that his solution appears to be the merest common sense.

His shortcomings are equally obvious, and they deserve to be noticed here because they were not peculiar to himself, but characteristic of his profession and his rank. In temperament, as in appearance, he was typical of the Roman aristocracy from which he sprang, and the high ecclesiastical circles in which he had lived from his boyhood. He was a short plump man, with large prominent eyes, an aquiline nose, a small firm mouth; of a pleasing expression and courteous manners; in no way rough or angular or arrogant; orderly in his habits, frugal in his tastes, fully aware of the importance of keeping up a proper state, but impatient of all waste and extravagance. He was a clear and ready speaker, with a resonant but well-modulated voice; his public utterances were business-like and simple when his subject was one of law or politics, but in his sermons and ceremonial orations he showed himself a master of the rather artificial rhetoric which was fashionable in his day. He had no skill in moving the emotions of large audiences. He preferred to state his views before small and select assemblies, or to embody them in letters or formal memoranda. Why should he concern himself to educate and move the masses of average men and women by direct appeals? Had he

not innumerable agents and missionaries all over Europe, whose business it was to convince the vulgar? Modern governments are almost infantile in their methods of propaganda by comparison with the mediaeval Papacy, whose spokesmen were to be found in every village and hamlet over Europe. Why then should a Pope trouble to become a demagogue? Perhaps it was as well that Innocent did not make the attempt. His knowledge of human nature was curiously limited. The friends of his choice were ecclesiastics, statesmen like-minded with himself, or professors eminent in his pet subjects of theology and law. Evidently he preferred clever men to stupid men, and among the clever he trusted most those who showed some practical ability. But it always shocked and distressed him when the friends whom he promoted in his service began to think for themselves and to act on their own responsibility. In dealing with such delinquents he was not accustomed to explain, or to argue, or to open a door for compromise; he rated them, he threatened, he insisted that they should leave off thinking and obey his orders. Not knowing any laymen intimately, he was a poor judge of the layman's character. He was constantly deceived by the rulers whom he imagined himself to be using as his tools. He was the dupe of Otto IV, of Philip Augustus, of John Lackland, of Frederic II. He quarrelled needlessly with honest men who differed from him, and he made impossible demands upon the loyalty of his admirers. Of these none was more devoted than Peter II of Aragon, who quite spontaneously became the vassal of the Pope in 1204. Yet King Peter ended his life fighting against the armies of the Church in Languedoc; he had been goaded to rebellion by a demand that he should help Rome to disinherit his sister's husband, Count Raymond of Toulouse.

Innocent was an accomplished statesman, and he had

some of the qualities of greatness. He knew exactly what he wanted, and he pursued his aims unswervingly. The resources, moral and material, which he possessed, he wielded with a sure hand and perfect moral courage. Naturally combative he showed to the best advantage in an uphill fight. He did not believe in humouring recalcitrant allies or making compromises with his enemies. He was always entirely convinced, not only that his demands were reasonable, but that it would be sinful to abate one iota of them. He had a large fund of moral indignation, and knew how to express it with the exact degree of asperity which the quarrel of the moment called for. He was quick to see the weak point in a hostile phalanx, and endlessly resourceful when it was a question of breaking up an apparently solid coalition by argument or influence. He never shrank from extreme measures; no pope before him made such frequent and such profitable use of interdicts, excommunications, sentences of deposition, crusades against backsliding princes. He used these weapons effectively because he was never precipitate. He believed in giving an offender rope enough to hang himself. He usually delayed his blow till he was sure that it would be approved by the public conscience. This caution sometimes gave his policy an appearance of vacillation, of procrastination. But thanks to his caution he seldom had to retract a demand or to soften an ultimatum.

It was only to be expected that such a man, working with such methods, and supported by a vast organization which ramified through every kingdom of the West, should achieve considerable results. The power of the Roman Church to move the consciences of men, to set large armies in motion, to create and destroy coalitions, to cast down the mighty and exalt the meek, was never more conspicuously illustrated than in the years 1198–1216. Innocent saved the Two Sicilies for his ward and

vassal Frederic II. He laid France under an interdict until Philip Augustus took back an unjustly repudiated wife. Early in his pontificate he bestowed the Empire on Otto of Brunswick, obliging his candidate to renounce all the chief Imperial claims in Italy (1201); ten years later he deposed Otto for perjury, and set up Frederic II in his place (1211). By successive sentences of interdict, excommunication, and deposition he broke the spirit of John Langland; and he then asserted his right to mediate between John and the English opposition. He was responsible for launching two of the most fateful Crusades in history: the Fourth Crusade (1202–4), which made Constantinople the temporary metropolis of a new Latin Empire, and colonized the fairest provinces of the Balkan peninsula with Frankish settlers; and the Albigensian Crusade (1209–12), which extirpated the most dangerous of mediaeval heresies. The catalogue of Innocent's exploits concludes with the Lateran Council of 1215, one of the few great and successful congresses of Latin Christendom in the Middle Ages. The resolutions taken at this Council ratified some of his most important victories. Raymond of Toulouse was disinherited, and the conquests made at his expense by the Crusaders were confirmed. Frederic II was acknowledged as the lawful Emperor. The barons of England were excommunicated for denying Innocent's right to cancel Magna Carta. The Council also passed decrees which reveal the ultimate purpose of the Pope's strenuous and combative career in the past seventeen years. A new Crusade, this time for the recovery of the Holy Land, was solemnly proclaimed; and the Council ordered that, in the interests of the Crusade, there should be a suspension of all wars in the West for the next ten years. Innocent himself felt that this Council was the great and crowning event of his life. He took as the text for his opening

address to the Council the words: 'With desire I have desired to eat this passover with you.' He explained that a passover meant a passage to a new era, and expressed his hope that the Council would mark an epoch in the history of the Church.

When we ask what were the permanent results of these achievements, and especially in what degree they contributed to the unity of Christendom, we are obliged to recognize that the successes for which Innocent was honoured in his lifetime were hollow and unreal. The Fourth Crusade and the Albigensian Crusade did great things; but the leaders in each case went their own way without much regard to the views of Rome. It was not the wish of Innocent that Languedoc should be divided among North French nobles; but he was obliged against his better judgement to condone the robberies of his nominal subordinates. It was against his express command that the Fourth Crusade partitioned the Greek Empire; he had ordered the Crusaders on no account to attack any Christian State; and here again he condoned actions which he was powerless to undo. In each case the settlement which he reluctantly approved was reversed after his death. Raymond recovered Toulouse in 1219; the Palaeologi returned to Constantinople in 1261. If we consider Innocent's relations with the Empire, it is surely one of the ironies of history that all his efforts to make the Empire powerless ended in his recognizing Frederic II, who, after Innocent's death, became the most dangerous foe with whom the mediaeval Papacy was ever confronted. As for the Lateran Council and its decrees, we need only remark that not a single prince obeyed the summons to a Crusade, or made the slightest effort to secure the general four years' truce, which was to have made the Crusade a practical possibility. Innocent spent his life in clearing the way for a holy war, in which

Christendom would be effectively united for the service of God. He began his pontificate with one appeal to Europe on behalf of Jerusalem; he ended his active career with another. Between 1198 and 1216 the Crusade was one of the main ideas, if not *the* main idea, of his policy.

How are we to explain his attachment to the crusading idea, which had begun to go out of fashion long before his time, and which no longer appealed to the best minds of the Church? In the age of Innocent the great spiritual teachers, St. Dominic and St. Francis, did not advocate crusades; they organized missions, which were certainly a more reasonable way of promoting God's kingdom upon earth. Perhaps Innocent thought that a Crusade was still a form of enterprise which would appeal to the military class. So it was, but the Crusades which the adventurers of the thirteenth century promoted were not of the kind which Innocent desired. These adventurers desired rich booty and the chance of carving out new principalities. Palestine did not tempt them; it seemed more profitable to attack Egypt, to evict the Moors from Spain, or to subdue the heathen Slavs of the Baltic provinces. Some enterprises of this kind proved fairly profitable to the promoters; but none of them acted as a magnet to draw together the whole fighting force of Europe. Nor did they appeal to the men who were the real disturbers of the peace of Europe; that is, to the new national kings who regarded it as an obligation of honour to extend their hereditary dominions by waging wars upon their neighbours. Innocent's panacea would hardly have succeeded even if it had been given a more thorough trial.

Was it then impossible that the Pope should secure the peace of Europe by humbler means; in particular by offering his services as a mediator between warring

princes or domestic factions? Innocent thought it possible. He often offered to mediate in disputes to which he was not a party; for instance, in the long struggle between John and Philip Augustus. Unfortunately he was not so successful in these efforts as when he endeavoured to promote the cause of peace by throwing all the weight of his influence on one side or the other and by helping his ally to win a rapid victory. In the civil wars of Germany and England he became a partisan, with results which at the time appeared to be not unfavourable to the Papacy. In each case he backed the winner and so accelerated the conclusion of the war. But, naturally enough, successes of this kind weakened his claim to be the universal arbitrator between princes and peoples. A public man who is constantly acting as a partisan must expect to find himself mistrusted when he claims to mediate in party quarrels. Wherever Innocent offered his mediation it was at once assumed on all sides that he had ulterior motives; and if his offer was entertained by one party, that was usually a sufficient ground for its rejection by the other. Perhaps another Pope, as able as Innocent but less deeply involved in European politics, might have been more trusted. Unfortunately his successors were men of smaller calibre and even more actively interested in the feuds and wars of the lay world. But if we imagine a philosopher Pope, whose disinterestedness is above all question, and ask how he would have fared in Innocent's place, we then come face to face with the real difficulty, which made a standing court of arbitration an impossibility in the Middle Ages. This was the absence of any system of international law which was recognized as binding upon states. The relations of princes were regulated by feudal law, or by treaties which were the work of feudal jurists; at least, this was the case in the time of Innocent III.

But feudal law varied in details from one state to another ; there was no authoritative code of its general principles ; and consequently there was a very natural reluctance, on the part of princes, to accept arbitration when it was open to doubt what version of the law would be adopted by the arbitrator. Even if arbitration were acceptable to both parties, there was no reason to suppose that the Pope would be well qualified to settle a point of feudal law ; the parties were much more likely to agree in submitting their case to a lay sovereign, whose judgement would not be biased by the alien principles of Justinian or of Gratian.

It may be asked whether it was really impossible that mediaeval states should recognize the Christian law, the law contained in the Gospels and the Fathers, as the supreme law by which their disputes could and should be settled. We are sometimes told to-day that international disputes should be settled in accordance with the highest moral principles. In an age when all European States agreed that these principles were well ascertained, and were authoritatively expounded by the Church, surely it was not chimerical to ask that the moral law should be applied to the relations of these states *inter se*, and that the earthly head of the Church should be invited to apply this law to international disputes. The question is pertinent, but it ignores a fundamental difficulty. It is an old saying that you cannot make men moral by means of Acts of Parliament. Still less can you make nations moral by means of an international tribunal. The business of law is to insist upon a minimum standard of good behaviour. It cannot insist on every obligation which morality imposes, and rightly imposes, on the individual conscience. If we propose to make a Christian code of international law, we must be prepared to enforce the Golden Rule in courts of justice. We must be prepared

to insist (with the help of fines and other methods of coercion) upon national self-sacrifice, on a noble indifference to all material goods. These virtues, of course, we are bound *in foro conscientiae* to admire and to pursue; and every one will admit that international law will be a poor business at the best, until it is supplemented by international morality. It is just conceivable that international morality may in the end be entirely derived from Christian morality; though on this point we must remark that the moral duty of the statesman, who is a trustee for the interests of others, will always be more difficult to define than the moral duty of the private individual, for whose guidance the Christian law was intended. It is possible and it is much to be desired that in time a code of international morality will be enforced by the weight of the public opinion of the civilized world. But international law will even then be indispensable; and it must be more prosaic, less exacting in its demands, than international morality.

Now in one respect at least we are more fortunate than the Middle Ages. We have a system of international law, which no doubt is very far from being perfect, but which has nevertheless done good service, and has been found capable of progressive improvement. Having this law, we need not find it quite so difficult as mediaeval statesmen did to submit our national disputes to arbitration. For when the law to be applied is definitely known, the difficulties about arbitration are considerably diminished. Less responsibility is thrown upon the arbitrator; the worst that can follow from an adverse verdict is known beforehand; the parties are not committing themselves to incalculable liabilities. I think also that, judging from the experience of the Middle Ages, we are not much the worse off for being without an Emperor or a Pope, a nominal head of the civilized world, whose position marks

him out as a natural arbitrator. Great powers have manifold and far-reaching interests; they are seldom likely to be impartial umpires in the disputes of the world which they bestride; and for this reason alone the Popes of the Middle Ages, earnest as they were for righteousness, versed as they were in legal science, could seldom be trusted as arbitrators. The Middle Ages had the advantage over us in being more deeply penetrated with the conception of a brotherhood transcending nationality. We, however, are rising by degrees to a broader conception of the Great Society, as composed not of those alone who adhere to a particular theology, but of all 'the men of good will' who are conscious of a common humanity and devoted to the service of their kind. And we have shaken off—let us hope for ever—the old heresy, which was so deeply rooted in the minds of mediaeval laymen, that, although Christian brotherhood may be a good thing in its proper place and season, war is a fine occupation for kings and gentlemen, and that the ruler who fails to enlarge his dominions must be written down a negligent trustee of his inheritance.

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V

GROTIUS AND INTERNATIONAL LAW

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It is a far cry from the world of Innocent III to the world of Grotius. The three centuries which intervened between these two men saw changes in almost all the mutable parts of human nature. The religious unity over which the Papacy had presided came to an end, and with it the mediaeval ideas of unity in political organization. When America was discovered, a pope could still divide the new world by a great circle into a Spanish and a Portuguese sphere of exploitation, but the universal authority of the Church had almost ended. Instead of a world theoretically subject to two universal powers, lay and spiritual, but in fact distracted by multifarious hostilities, there emerged a system of consolidated states, some Catholic and some Protestant, all free from superior authority, able to keep order within their own frontiers, and to deal with one another according to settled rules. Historians are less ready now than they were two or three generations ago to express in any handy formula the causes and nature of the contrast between mediaeval and ' modern ' times. Not only have they traced a long series of movements and efforts preliminary to the Renaissance and the Reformation, but also, in analysing the complex revolutions so imperfectly described by these names, they find, along with so much change, mysterious continuities, obstinately unchanged survivals of the older time. It would be rash to say very much about the mutual connexions of all the changes of the

fifteenth and sixteenth centuries, but it would be still worse to think of any of them in isolation from the rest. The progress of commerce and discovery, of the arts of war and government, the religious and even the philosophical controversies of the time, all contributed to the new phase of international relations. When the group of modern states came into being,—England, France, and Spain, to which were afterwards added the others which compose our world of states,—they brought with them the broad ideas and usages on which modern international relations are founded. In particular, the kings began to follow the example of the Italian republics and to keep permanent diplomatic representatives at one another's courts. In former times there had not only been a prejudice against the ambassador as something very much like a spy, but also there had been a lack of sufficient business to keep a standing diplomacy employed. To the early days of standing diplomacy belongs the mature development of international law. Public international law is defined as ' the body of customary and conventional rules which are considered legally binding by civilized states in their intercourse with each other '. It is significant that in the early seventeenth century a book was published which was the first of all books on international law to circulate widely in many countries and to be recognized as a classic, indispensable in any well-furnished library.

This was the *De Iure Belli et Pacis* of Hugo Grotius. Its author, Huig de Groot, to use the Dutch name which he Latinized in the fashion of the time, would have been a famous man even if he had never written about this subject at all. He had been one of the most celebrated of precocious children: at the university of Leyden, where he entered at the age of eleven and took his degree at fourteen, he was the best pupil of Scaliger, and at fifteen

he was invited to accompany an important embassy to Paris, in order to lend it distinction. Returning to Holland, he practised a little at the bar, and, to his cost, became involved in the political strife between John of Oldenbarneveld and the stadtholder, Prince Maurice of Nassau. The best-known incident of his life is the escape, engineered by his courageous wife, from the Castle of Loevestein where he had been imprisoned for more than a year. After that he was an exile, mainly in France, where he became the representative of Sweden. He died in 1645 in his sixty-fourth year, leaving behind him a great number of printed works on theology, jurisprudence, and history, besides editions of the classics and original Latin verses. Amongst them the book on the law or rights of war and peace is by far the most famous and influential, but it is not one of those books which a modern reader can use with an enjoyment proportioned to its historical importance. It is long; it is written in the uninteresting Latin of the period; it has the repellent formalism which even lawyers no longer tolerate. In the first book 'Ius' is divided into three headings, and the third of these into two subheadings, of which the second has two lower divisions, under one of which again we find international law as the third member in a tripartite subdivision. This book by itself is enough to defeat any student who has not either a good deal of preparatory training or a morbidly inquisitive perseverance. Nor is it merely that the form of the book is unequal to its contents. Its argument is mainly based on the cumulative weight of authorities which only the learning of a Grotius could have brought together, and, although the argument from authority becomes in his hands something akin to a modern argument from history, the endless recitation of passages from the classical poets, the Christian theologians, the

former jurists, not only wearies the modern reader but also smothers the argument itself. If books were divided into two classes, those which resemble guns and those which resemble ammunition-waggons, the book of Grotius would go into the latter class. None the less, the ammunition has a use, and it is worth while to look at it as it lies in its elaborate packing.

A good deal is known about how Grotius wrote his great work. It was published in Paris in 1625, and, from his letters, it appears that his mind had been turned to these studies during the three previous years; but this was by no means the beginning of his interest in international law. He refers in the course of the book[1] to an opinion he gave while practising law in Holland on the question whether the state was liable for wrongs committed by privateers. In 1609 he published anonymously at Leyden a little treatise called *Mare Liberum*, with the intention of arousing Dutch public opinion to insist that the truce which was then being negotiated with the Spaniards after the long war of independence should include a permission to the Dutch to trade and navigate in the eastern and western seas, where the Spaniards claimed a monopoly but where the Dutch had already begun to establish themselves by intrepid poaching in the Spanish preserves. At the time of its first appearance the book made little impression, but later it became more famous in the disputes between the Dutch and the English, when our king, James I, tried to impose conditions on the right of fishing in the Narrow Seas. Grotius himself took part in negotiations on this matter in London; new editions of the treatise were published with his name on the title-page; the great John Selden answered it, and Grotius wrote another work, in answer to William Welwood, another advocate

[1] Lib II, cap. XVII, xx. 1.

of the British claims at this stage of the tangled evolution of the 'freedom of the seas'. This last work was not published till 1872. The manuscript had appeared at an auction-sale in the Hague a few years before, along with another, far more important, that of a long book *De Iure Praedae*. Few historians have had the chance of such a happy discovery as was made by the Dutch master Robert Fruin, when he turned over the leaves of this work in the handwriting of Grotius, and none could have made a better use of the opportunity. It proved to be a book written in 1604–5, when Grotius was only twenty-one, and the previously known *Mare Liberum* turned out to be only a slightly revised edition of its twelfth chapter. The occasion of the larger work was, however, quite different from that of the extracting of this chapter. In the year 1602 the Dutch East India Company had been founded on the basis of a prospering combination of merchants seven years older, for the purpose of peaceful trade with the eastern seas, where the Dutch now hold colonial empire, but where, at that time, Portugal claimed a monopoly like that of Spain on the other side of the papal 'line'. When the company had been at work for a couple of years, one of its servants captured by armed force a rich Portuguese prize, the *Santa Catarina*, and a group of legal and other questions thus came up for decision: whether the company had the right to make prizes, how, in that case, the proceeds were to be distributed, and so forth. Grotius' book is a defence of the action of the company on all possible grounds against all possible objectors, from those who upheld the right of the Portuguese to exclude the Dutch from their islands to those who denied the moral right of the Dutch to enrich themselves by violence. It is an amazing performance for a youth of one-and-twenty, and it has a firm outline, as an argument at once against what is

now called pacifism [1] and against the various obstacles which public opinion or the acts of other nations could set up in the way of maritime enterprise.

An attempt has been made to interpret the larger and maturer work of twenty years later as simply another statement of the same ideas. Against the common belief that Grotius was a great lover of peace, who wished the relations of states to be ordered by certain rules of law, according to which each should know what was due to it and from it, it has been urged that he wished to set up amongst states only a kind of voluntary criminal justice, by which, when a state does wrong, the rest shall combine to inflict punishment and to exact reparation. It has been suggested that Grotius wished to establish as the central fact of international relations this destruction of the wrong-doer. The truth is not so simple. There is no reason to suppose that Grotius' mind stood still during those twenty eventful years. He says himself that he was impelled to write the later book partly by his horror at the wars which prevailed in Europe. Until we know precisely why the earlier work was written, why he never published it, and what use he made of it later, it is better not to venture too far in

[1] As late as August 13, 1613, Grotius wrote these remarkable words in a letter to Winwood, the English ambassador then about to leave the Hague: 'Selon mon aduis uous feriez fort bien de sonder en Angleterre les humeurs de uoz marchands, assauoir s'ils sont resolus a bon escient d'entrer auecq nous d'oresnauant en une guerre royale et ouuerte en ces quartiers-la ⟨les Indes⟩. Estant en Angleterre je n'y ay trouue personne qui se montroit resolue comme il falloit: mais on ne parloit que d'y aller en forme de simple trafficque, ou pour le plus de surprendre quelques nauires, sans se fortifier en terre, ou d'entreprendre la defense des Indiens. Quand ceste resolution sera prinse en Angleterre, je croy qu'on trouuera quelque honneste et equitable issue pour les fraix passez.' *Montague House Papers*, i. 143.

crying up its value in the explanation of the other. The aim of the later book was not, like that of the earlier, closely related to a particular problem. It was to give a wide, philosophic survey of the whole subject of international law, with such other branches of jurisprudence as had to be explored for the purpose, and to arrive at a practicable code of international conduct.

Grotius was not, nor did he profess to be, the first man to write a book on international law. He acknowledges his indebtedness not only to the writers on the Roman civil law and on the canon law, who had hammered into shape a good many of the ideas he used, but also to the compilers of a collection of maritime laws and to a number of authors who had dealt with the law of war. One of these is especially interesting to us, Alberico Gèntili, an Italian exile who became professor of civil law in Oxford, lectured on international law in the year of the Spanish Armada, represented the Spaniards in the English prize-court, and, besides other books, published in 1598 a learned, solid, and valuable treatise *De Iure Belli*. Modern investigators have raked up other precursors of Grotius, and some have disparaged him because he made much use of their works. But the greatness of his work is of a kind that could hardly have been attained without that. He brought together these scattered and only partly prepared materials into a consistent whole. Where there had been matter-of-fact books of practising lawyers, theoretical books of philosophical or theological jurists, and a growing body of historical examples and precedents, he formed a regular department of jurisprudence, with clear limits marking it off from the others and with a logical division of its own component parts. Some of the parts to which he devoted least attention have now become very important, some of those on which he spent most are now neglected, and many of his principles are

no longer accepted, but he did lay down for three centuries the general framework of the study, and he won for it a rank among the liberal sciences. Remembering that this was his service to it, we may consider in a general way its progress and prevalence from that time to this, making it our main object to distinguish not so much its strictly legal aspects as its place in history.

It has been said that the name international law is quite a good name except that the thing it denotes is not really law and not really international. Let us see how much truth there is in these denials. In the first place, how far is it law? The standard definition already quoted betrays an anxiety to leave no doubt about this: it says that international law is the body of customary and conventional rules which are considered *legally* binding. That is to define the thing by itself, what is called a *circulus in definiendo*; but, if the word 'legally' is eliminated, there are still obscurities. What is meant by 'considered'? The binding force of the law appears to be a matter for the state itself to decide. Again, the rules are of two kinds only, customary and conventional, that is to say, rules mutually agreed on by those who are to be bound by them, or previously existing in custom and accepted without challenge. They do not include any rules enacted by any authority set over the different nations, any rules, that is, resembling the legislative enactments which, within each state, form the best known and one of the most important bodies of law. Further than this, it is usual to distinguish international law into that which is universal, or binding on all the states in the world, of which the law relating to the rights and immunities of ambassadors is the best example, and the two far larger masses of rules which are binding only on most states or on some states, namely those which have agreed to them. Now clearly all this marks off

international law as very different in its sources and in the manner of its enforcement from other kinds of law. It would be very hard to imagine criminal law or the law of contract as working successfully in a civilized community if it were no more than a body of customary and conventional rules which were considered binding by civilized persons in their intercourse with each other, some of them binding on all, but the greater part only on those who had agreed to be so bound. In everyday life the most obtrusive manifestation of law is the policeman, the law presents itself to the individual as a coercive power outside him, and in this it differs completely from the law of nations. Therefore it seems to many people wiser not to call this 'law' at all, but to consider it as a system of morality, of rights and duties which ought to be regarded, which, in the long run, it is the best policy to regard, but which have no coercive force behind them and so do not deserve to be classed as legal.

If this were merely a verbal question, a question of the most convenient use of the words 'law' and 'legal', it would not be worth arguing about. It could be settled out of hand by saying that it is best to conform to the general usage and to go on with these words, but at the same time to bear it in mind that, in the absence of external legislation and compulsion, this branch of law is different from others. Such a decision could be and often has been justified by the reminder that there are other kinds of law which in this resemble the law of nations. There have been and still are voluntary armies in which discipline is maintained by consent and submission, though it has no coercive authority behind it. Historical examples may be adduced of civil and criminal courts founded on the same principle of common consent, whether tacit or express: it is said that there were such courts in ancient Iceland, and, although I do not know

how well they work, I suppose that the courts of the Irish rebels at the present day (1920) are much the same. But if this argument is pushed further, it becomes much more than a mere justification of a certain use of words. All really developed law requires two elements, consent and authority, and of these two the first, the law-abiding sentiment, is the more fundamental. In the instances just mentioned it succeeds by itself in maintaining a system of orderly relations without the help of the other, but the other, the enacting and enforcing element, although a famous school of thinkers treated it as the whole basis of law, when it operates alone, as it did, for instance, in the German occupation of Belgium, does not so nearly fulfil our idea of what law really is. When Grotius elaborately classified the different kinds of 'Ius', making out that international law was partly natural in origin and partly conventional, of human institution, he meant, roughly speaking, that, besides what was based on treaties and explicit agreements, there was a body of dictates of right reason, proper to the social existence of man, which every one who thought about them carefully would recognize as being ordained by God. He laid far more stress on these than on the conventional rules, and in this the more philosophical of the other classical writers on international law agree with him. They see that international law has in it at least one of the two elements of that reasonable regulation of human life which we call 'law and order'. Paradoxically enough, the sort of exposition of international law which may justly be said not to have a truly legal basis is that of the practising lawyers, like Zouche or Bynkershoek, who confine themselves to arranging and criticizing the rules which, as a matter of mere fact, have been accepted by the nations and enforced in their courts.

It is then not only a convenient use of words, but also

it expresses a philosophical truth, to say that international law is law. But is it international? Grotius did not use the word 'international' or any Latin equivalent for it: we owe the Latin equivalent *ius inter gentes* to an Englishman, Richard Zouche, Gentili's next successor but one in his Oxford chair, and the term 'international law' to another great Englishman, Jeremy Bentham. But Grotius defines his subject as 'ius illud quod inter populos plures aut populorum rectores intercedit'. Any one completely ignorant of the subject might suppose that this meant that a law stood between two nations as the law stands between two individuals, created by neither of them and administered by courts which were equally independent. Of course that is not so. There are and there have been international tribunals, of which we shall have to mention the rise and activities in a moment, but very large parts of international law have been administered not by courts of that sort but by courts appointed, paid, and governed by one single state and that state a party to the disputes they handle. The most important example is that of prize-courts. The *locus classicus* is in the opinion of the British jurists given on the occasion of a dispute with Prussia in 1753: 'By the maritime law of nations, universally and immemorially received, there is an established method of determination whether the capture be or be not lawful prize: before the ship or goods can be disposed of by the captor, there must be a regular judicial proceeding wherein both parties may be heard and condemnation thereupon as prize, in a Court of Admiralty, judging by the law of nations and treaties. The proper and regular court for these condemnations is the court of that state to whom the captor belongs.' Lord Stowell, who built up the British prize-law during the Napoleonic wars, said the same thing in the famous words, where the emphasis is, however, different: 'the

seat of judicial authority is locally here, in the belligerent country, according to the known law and practice of nations, but the law itself has no locality.'

These two quotations bring us to the centre of the subject. In the first place, they explain why it is that the history of international law has never been written. Of course there are books called histories of international law, but a reader who looks in them to find the real history will be disappointed. He will discover a good deal about the development of certain rules and he will get a connected history of the literature of the matter. The writers, from Grotius onwards, are an admitted source of international law, just as law-books in other departments may have an authority which will weigh with a court: that is clearly laid down in one of the judgements of the same Lord Stowell. But it is not possible to discover from them, nor from any of the available histories, the real reasons and meaning of the working of international law in the relations of states. These books are mainly written from a legal point of view; they are more concerned with the exact sense and application of each doctrine than with the tendencies of the whole. What one wants to know is not merely what was the content of the law of nations, as it was 'known' at this point of time or that, but by what steps and from the action of what causes it came to be 'universally received'. But these questions are very difficult to solve. No single student has yet made a comprehensive survey of the prize-law, for instance, as it was worked out in the sixteenth, seventeenth, and eighteenth centuries in the courts of Admiralty of belligerent and neutral nations, in London and Lisbon, in Rotterdam and Danzig, in Stockholm and Copenhagen and Paris and Leghorn. To do so would require a vast comparative knowledge of the constitutional and legal systems of all the countries

of Europe and a close critical investigation of the complex interaction between the ideas of the lawyers, like Gentili pleading in the courts, and the policies of governments. Some of the outstanding incidents are pretty well known, and much has been done in the last twenty or thirty years in the way of collecting and publishing the materials of some separate countries, some of the local seats of jurisdiction, but there is no country in which more than a beginning has been made. In England just enough has been done to indicate how vast is the uncut field. If a man wished to undertake a *tour de force* of erudition, he could hardly select a better theme than the history of the maritime law of nations from Grotius to Lord Stowell.

One thing may be said beforehand about the results he would get. He would not confirm the statement that prize-law as it stood in 1753 had been 'universally and immemorially received'. He would find himself tracing a process of which it may be worth while, as an illustration of our argument, to trace conjecturally part of the outline. Ever since wars have been recorded, they have been carried on at sea as well as on land, and at sea there has always been war on private ships as well as on public ships or ships owned by states, but there has been the greatest variety in the objects for which naval forces were used and in their relation to the governments which declared the wars. From the beginning of international law and policy, there have been controversies as to their proper aims and methods. There are still profound differences of opinion as to what naval forces can do and ought to do, but they relate to certain definite and limited questions. In the seventeenth century far more questions were open to dispute. The elements of these problems were not the same then as they are now: governments were different, trade was different, navies were different. All of them were rapidly

changing, and the direction of the change was towards the state of things which we know. War has tended since the close of the Middle Ages to approximate more and more to two principles. All the resources of a community are controlled and directed by a government in the interests of its policy, and the way in which they are used involves the cessation of almost all relations with an enemy except hostile relations. This is true both of land war and of naval war. Naval war now normally interrupts all friendly commercial intercourse between two belligerents, and it involves, if necessary, the use by the state of every man and thing that can advantageously be set afloat. This is, of course, only the means to certain ends. The ends are all the different benefits which can be had with the command of the seas but cannot be had without it : the safe navigation of merchant vessels and troopships and ships with supplies, the destruction of whatever it may be desired to destroy on the enemy's coast-line, the use of his harbours and beaches, the capture and use or the mere destruction of his merchant shipping. Round the edge of this conception of war there are moral and legal and political controversies, but the body of the picture is clear. That is what naval war nowadays tends to be.

In the seventeenth century this tendency was at work, but it was imperfectly understood and it was very differently regarded by different countries and different classes. Naval warfare was becoming more orderly and more definite than it had been. In its primitive stage it may be said that it was hardly under the control of the state at all. A declaration of war between two sovereigns unchained every sort of hostility between their subjects, and every one was free to fight wherever and however he chose. The privateersmen who, simply as men of business and scarcely at all as patriots, carried

out the war on enemy trade were still less servants of the state than the free companies of mercenary troops. But now, just as the state was getting control over its armies, so it was bringing to an end the primitive condition of naval war. It was growing stronger, its organization was becoming more closely knit and as, with the growth of seaborne trade, both the risks and the prizes of naval war were increased, the sets of rules for it became stricter. Special ships were built for fighting, and, although the practice of hiring ships for the navy from private owners was not quite extinct in England at the end of the century, the regular man-of-war was predominant. The naval wars of the century, especially those between the English and the Dutch, gave the statesmen of Europe a rich experience of the uses to which sea power might be put. On the one hand they encouraged hopes that, in some cases at least, it might by itself give a decisive victory, an overthrow of the enemy's power of opposition.[1] On the other hand, they showed what were the difficulties of developing this utmost efficiency of sea-power. Especially they showed some of the many complexities which followed from the fact that the belligerents never had the high seas to themselves, but had to allow neutral ships to carry on commerce in some articles, trading to some ports. What articles and what ports were to be permitted to the neutrals, how the belligerents were to deal with neutral suspects, how privateers were to be made to respect the laws of the sea, how neutrals were to treat warships of the belligerents which put in to neutral ports, these and many other questions were raised and raised often enough and variously enough for some progress to be made towards finding answers.

[1] There is, for instance, a French plan, probably of 1672, for the cutting-off of all the sea-borne trade of Holland with this hope, in the All Souls College MS. 209, fo. 84.

It has often been remarked that Grotius says very little about them. His chapter on neutrality is very short, and some of the points of it lie quite away from the real current of the development of practice. His summary of the events in the development of maritime law is relegated to a footnote. There is a good deal more about these things in the book of Zouche, who was a judge in the English High Court of Admiralty, as in that of Bynhershoek, a judge in the seafaring and privateering province of Zeeland. But that is not to say that Grotius despised the rights of neutrals and wanted all wars to be wars between right and wrong, in which he who was not for the right side might be regarded as being against it. His inattention to these questions is due mainly to the fact that his interest lies elsewhere than in the world of practising lawyers. In that world and in the world of politicians, the questions of neutrality and maritime law bulked very large in his day. To name only cases which concerned the English, these difficulties led, though it is often forgotten, to the war with France in 1627 and to the French intervention in the Dutch war of 1665. They were rarely altogether absent from the negotiations of British treaties of peace and alliance. So it was with the other European powers. A series of treaties was made, some of them at the end of wars, and others when there had been no war, but either because war was expected between the contracting states or third parties, or simply to provide for the good regulation of the sea in the event of some indefinite future war. Between the middle of the century and the English revolution, there were more than a score of these treaties of marine, provisional and partial attempts to settle between different pairs of powers what were to be the uses and methods of war at sea.

These settlements were not by any means all alike. Their principles depend on what the diplomatists who

made them believed the position and prospects of each state to be in trading and in fighting. The Dutch had a characteristic policy closely related to their exceptional economic and maritime position. Not only were they, of all European nations, those who most followed the sea and were most dependent on their sea-borne trade for their wealth and subsistence. Their attitude to maritime war had another element in it ; it was on their maritime victories over Spain, on their having wrested from Spain the command of the sea, that their political independence and their greatness had been built up. Further than this, it was not merely their victory at sea that had been profitable to them. They had discovered a way to make profits from naval warfare itself, and it was to this discovery that they owed, or believed all through the seventeenth century that they owed, all they had. It was the discovery that trading with the enemy may be made the means of beating him. It is true that the States-General as early as 1599 forbade their people to trade with the Spaniards, but this resolution was never carried out. In practice the Dutch did not cease to trade with the enemy simply because he was an enemy. So important was the trade that the Spaniards, although they naturally wished to end it, found that they could not do without it ; when at last they confiscated the Dutch ships in their ports, it was only to cause such inconvenient shortage that the ships were soon allowed to resume their sailings. They supplied the Spaniards not only with food of all kinds but even with naval stores and with munitions of war. The profits of this trade contributed to that prosperity of Amsterdam which amazed all Europe during the struggle for independence ; war, as an English satirist said, using a current nickname for the Dutch, was ' the Hogan's harvest '.[1] The financial

[1] *Hogan-Moganides or the Dutch Hudibras*, 1674, note at end.

provision for the armies and fleets of the republic came not merely in a general way from the surplus wealth of this prosperity, but in part directly from special duties on the enemy trade. The English wars made men realize that sea war might mean economic loss, so that it became a commonplace among the Dutch in the second half of the century that the interest of a trading nation is peace, but it was their constant bias to check the interference of war with trade.

It must not be supposed, of course, that this was all due to any economic theory or to any deliberate policy of limiting war to a conflict of armies and fleets, leaving all the economic relations of the belligerents to go on exactly as in times of peace. It was the merchants of the rising town of Amsterdam and those, more weakly following them, of Rotterdam, who worked the system out in the pursuit of their own immediate profits, and it was the weakness of the central authority, the absence of any effective organization for the state as a belligerent whole, that allowed it all to go on and made the state perforce content with financial support from such a dubious source. Amsterdam and the province of Holland had, of course, their theoretical defence, of which the main article was that if they did not carry on the enemy trade, it would be done equally well by their rivals the Hanse towns and the Northern kingdoms, with only the difference that the profits would go to the neutrals. The elements in the Dutch Republic which were not commercial remained unconvinced by this reasoning, and it never resulted in a purely military war: Zeeland, for instance, the special home of privateering, also turned hostilities to profit, but in the opposite way from that of Amsterdam, by the capture of enemy ships and of other ships carrying contraband of war.

On the whole, however, the tradition of Dutch policy

was to favour the shipping interest at all costs. If the interest of trading with hostile ports was encouraged when the Dutch were belligerents, it is natural to expect that when the Dutch were neutrals, they would be still more likely to encourage their shipping to belligerent ports. If their own wars did not stop their commerce, they would be likely to make efforts to maintain their commerce during the wars of other states. Their policy would be to influence maritime law so as to permit and extend the commerce of all neutrals in all wars. Such a policy might be damaging to them when they themselves came to be belligerents; and it is a very old story that the neutrals who make a strong stand for neutral rights, when they go to war, are often themselves the harshest to neutrals. But, since they carried on their own trade when they were at war, the Dutch had not the fear of neutral competition which often makes a belligerent severe in his measures against neutrals, and, since they were willing themselves to supply the enemy with all the imports he needed even for warlike purposes, they saw no occasion for great alarm if neutrals should have a like freedom. Hence their policy was that of the famous catchword 'Free Ships, Free Goods'. The general right of neutrals to trade with the enemy being assumed, this principle deals with the further question of whether they should be allowed merely to carry their own goods or those of other neutrals or whether they should be allowed to carry also the enemy's goods. Not only trade between the enemy country and other countries was affected, but also the coasting trade between one enemy port and another. In both, the Dutch view was that the neutrals should carry the goods of whomsoever they pleased. Neutral shipping was to be free in war just as in peace, with the exception that contraband, certain definite classes of goods useful for hostilities, might not be carried

to the enemy. All other goods might be carried to him, and any goods of his might be carried from him. This was the policy of restricting to the narrowest reasonable limits the interference of war with the shipping trade. It was agreed on by a number of other states in treaties of the seventeenth century with the Dutch, who may be said to have made a propaganda for its acceptance. Such treaties, of course, could only be binding between the two parties when one was at war and the other was not, but, if a sufficient number of states had signed these treaties and kept them, a type of European war would have become usual in which all the neutral shipping to the ports of each belligerent was protected from having its cargo confiscated or being confiscated itself by the promise of the other belligerent to allow the neutral's flag to cover the enemy cargo.

Even the Dutch did not always work quite consistently for this end, and the English, although they did accept the principle in some of their treaties with them, normally worked against it. They saw that naval warfare may assume the character which makes the simple commercial point of view inadequate. England also had a rising sea-borne trade, but it was not advanced by all the methods used in Amsterdam. Partly it was that the island state was the less commercial of the two; its government stood more independent of commerce and was stronger than any central organ of the Dutch federation, whilst, relatively to the other economic elements in the country, the shipping-trade was still of low importance. Partly it was that the sea-faring English were always hostile to the Spaniards, predatory on them, less like the sailors of Holland than those of Zeeland. From these and other causes, it came about that whenever the Dutch made alliance with the English, there was a conflict between their views about the relation of naval warfare

to commerce. The English believed that trading with the enemy prolonged his power of resistance so much that it could not be justified by any countervailing advantage. Leicester, during his period of rule in the Netherlands, vigorously tried to induce the States General to abandon their old policy of enemy trading. He succeeded in getting a stricter formal prohibition than had before existed, but it was not long nominally upheld in its entirety and it was never seriously carried into execution at all. Eleven years later, when a triple alliance was made between England, France, and the United Netherlands, the English pressed again for a similar measure. Amsterdam objected strongly, but in theory the English prevailed. The States General adopted their policy in form, but once again, though the Spanish trade was forbidden, it was not suppressed. In 1625 and 1626, in the Treaty of Southampton and the subsequent English proclamations, the same point was raised, but the English withdrew from their policy. During the second half of the seventeenth century, while the treaties were being signed to establish the principle ' Free Ships, Free Goods ', naval warfare was changing in scale, and the effect of this change on the English was to make them, in the end, see still more clearly how much might be done by naval pressure exerted under fully favourable conditions, and, consequently, to make them stand for restrictions of the latitude of commerce in times of war. They tried to extend the number of articles which were contraband, and they upheld the right of searching neutral vessels. Although from the unfavourable peace of 1667 till 1689 they were committed to ' Free Ships, Free Goods ', in the latter year, when the English revolution began an active alliance against France, they persuaded the Dutch to adopt a very different plan. It was a plan which had been favoured by the English Whigs since 1678, a product

of the extreme protectionism of the ' mercantile system '. The Dutch agreed not only to suppress all trade of their own nation with France, but even to co-operate with the English in turning back all allied and neutral ships which tried to make the French king's ports and in seizing all those which sailed out from them. One of the Dutch ambassadors, himself a shipowner, suggested to William III that there might be legal objections to this, and the king, who very rarely made a joke, answered grimly: ' It's cannon law.' The policy failed in every possible way: the allies, the neutrals, the Dutch and the English themselves refused to submit to it, and it did not last out two full years. The next war, that of the Spanish Succession, was noted as that in which, of all wars, there was the least interference with neutral rights. Neither in England nor in the Netherlands was the state yet strong enough to conduct an unlimited war on commerce.

That is a summary of the dealings of two European powers in the course of one century in trying to settle these questions of sea law. It gives some idea of the intricate reactions of constitutional, economic, naval, and personal causes that went to determine the whole process by which some of the rules got universal acceptance. When it is remembered that the whole process involved not two powers only but at least a dozen, it will be seen what a vast area there is for research and exposition. But even this bare summary has put us in a position to see more clearly how the name of international is applied to this law which has its seats of jurisdiction in the separate countries, and so many of its roots in their separate selfish policies. It has appeared several times in the story that the unity, stability, and independence of a state helps it to simplify and to steady its relations with other states. 'Stable,' 'unified,' and 'independent' are three of the adjectives most often used of the typical

modern states which emerged in the age of Grotius, and so it follows that Grotius takes a hand in working out the theory of this kind of state, what is commonly called the theory of sovereignty. Here again he did not lay the first stone. To go no further back, Gentili states it in these words: 'Non est Principi in terris iudex aut ille Princeps non est, supra quem capit alius locum primum. . . . Necessarium itaque iudicium armorum inter hos fuerit.' They are not very different from the words of Grotius: 'Summa autem illa dicitur [potestas] cuius actus alterius iuri non subsunt, ita ut alterius voluntatis humanae arbitrio irriti possint reddi.' Grotius does not express the doctrine in its simplest and most symmetrical form, but, for the present purpose, it is permissible to put it without any reserve or mitigation. The subjects of international law are sovereign states, and a sovereign state is a body subject to no authority whatsoever outside itself. There is no need to say why this doctrine was laid down by international lawyers. Their task was to provide rules for sovereign states which would not brook any rules more binding. The doctrine of sovereignty establishes merely a hard fact, the fact that the states for which international law was invented were subject to no human superior. Yet it seems to contain a direct contradiction. If all external authority is to be cast off, as Henry VIII cast off the authority of the papacy when he established it 'that this realm of England is an Empire', then it seems that the authority of international law, in any real sense of the words, must vanish as well. Nor is this only a difficulty of theory or definitions: it is written large in historical fact. From the days of Drake to the days of Tirpitz, elaborate rules were made and agreed upon to limit the destructiveness and inhumanity of war. The earlier writers on international law paid much attention to what constituted a just war. As the

implications of sovereignty came to be more clearly worked out, this tendency weakened, and at last the most respected international lawyer of the eighteenth century, Vattel, said plainly: 'Il appartient à tout Etat libre et Souverain de juger en sa Conscience de ce que ses Devoirs exigent de lui, de ce qu'il peut ou ne peut pas faire avec justice. Si les autres entreprennent de le juger, ils donnent atteinte à sa Liberté, ils le blessent dans ses droits les plus précieux.' That is to say that the only effective judge of a sovereign state is another state which is prepared to fight it. Such a judicial purpose has not normally been the ground of declarations of war. When these have been drawn up in terms of international law, more often than not it is only a pretext or a formula that has been drawn from this body of rules. As many and as bad examples of unjustifiable aggression are to be found after the time of Grotius as before.

From this fact, all too familiar in an age when public international law has been seen to 'disappear in blood and smoke', it must not be inferred that it has altogether failed of its purpose. There are ways in which a system of law, even if not really binding, may be useful, and it is a mistake to think too lightly of them. One of the great difficulties of international relations for a long time past has been that they have been growing more complicated, as the world has been growing more crowded, and the interests of different countries more tightly woven together. In dealing with a great mass of complex business, any set of rules will be useful, and, as long as the business is not contentious, any generally known and fairly reasonable set of rules will be accepted. Just as we submit ourselves to the rules of billiards even when we play an amicable game in which, if we care to take the trouble, we are free to invent a new set of rules for ourselves, so the officials of embassies and foreign offices

save themselves trouble and simplify their work by using forms prescribed in international law. This smoothing of the technique of international relations is an important thing : the more easily routine business can be dispatched, the less frequent and the less annoying will be the hitches and misunderstandings. When international business has become contentious, the part played by international law has been less clear and decisive, and yet it has played a part. This is not the place for a full criticism of the doctrine of the balance of power, a doctrine which belongs to the sphere of policy rather than to that of law, the principle of which is sometimes said to have acted as a complement to the legal rules and introduced into international relations a stability and order which these rules alone could not provide. Criticism would probably reveal this claim as unsound, and, in any case, a truer tendency to order is to be sought elsewhere, in the operation of international law itself.

In the period with which we are concerned there was little progress in the use of truly international tribunals, courts of mediation or of arbitration. There had been such bodies long before : treaties were made in the Middle Ages which provide for the decision of consequent disputes by a third party. In the seventeenth century there were similar anticipations of the later movement, but the movement itself belongs to the nineteenth. Most likely the reason for its long postponement is that, in the three preceding centuries, attention was taken away by the perfecting of the machine of standing diplomacy. In 1648, three years after the death of Grotius, there met in Münster and Osnabrück the first great European peace conference, and it was followed by a long series of greater or smaller congresses in which much was done to arrange the methods of international political co-operation. In their organization the rules of international law, even if

they are often trivial and formal, have a place. Nor is this all that it has done. The work it has done is similar to the work which it may be expected to do in the future. After a grave and calamitous interruption, this generation is trying to put it together again, and is trying to do so with some precaution against another similar disaster. Whatever form the new structure ultimately takes, it will show continuity with the old. Just as the canonists and civilians of the Middle Ages laid the foundations of the theory of Grotius, so, we may be sure, he and his successors have laid the foundations of the theory which will follow. They have been the spokesmen, not altogether wise nor altogether fortunate, of the idea of unity among nations. Their work has enabled others to give expression to that idea in other ways. Much attention has lately been paid to the projects of international peace, from the time of Sully or earlier to that of Immanuel Kant. These have been given a prominence which most likely they do not deserve, as stepping-stones towards modern experiments in international organization. Most of them contributed very little to the movements of thought which led to those experiments: it is on another side that they are worthy of attention. They are not causes but symptoms of the impulse towards unity, scraps of evidence which show that, even in the cruel and chaotic Europe of the sixteenth, seventeenth, and eighteenth centuries, it was possible for men, and even for shrewd and sober men like William Penn, to entertain the hope of a unified world. Many subtly twisted threads of thought would have to be unravelled before one could say with certainty what were the conditions which helped and retarded progress towards it, but it is scarcely open to doubt that international lawyers were, in that age, trustees for the estate of this idea.

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VI

THE FRENCH REVOLUTION AS A WORLD-FORCE

G. P. Gooch

The French Revolution is the most important event in the life of modern Europe. Herder compared it to the Reformation and the rise of Christianity ; and it deserves to be ranked with those two great movements in history, because, like them, it destroyed the landmarks of the world in which generations of men had passed their lives, because it was a movement towards a completer humanity, and because it too was a religion, with its doctrines, its apostles, and its martyrs. It brought on the stage of human affairs forces which have moulded the actions of men ever since, and have taken a permanent place among the formative influences of civilization. As Christianity taught that man was a spiritual being, and the Reformation proclaimed that no barrier should stand between the soul and God, so the Revolution asserted the equality of men, and declared each one of them, regardless of birth, colour, or religion, to be possessed of inalienable rights.

As travellers and publicists of the eighteenth century foresaw the approach of the Revolution, so historians seek its roots in the generations and indeed in the centuries which preceded it. Louis Blanc argued that no man could date its beginning, since all nations had contributed to produce it. ' All the revolts of the past unite and lose themselves in it, like rivers in the sea. It

is the glory of France to have performed the work of the human race at the price of her own blood.' The famous socialist commences his narrative with John Hus ; but this is to pile a needless burden on our backs. It is enough for us to remember that the Reformation had broken not only the unity of the Church but the tradition of authority ; that the doctrine of the supremacy of conscience was extended from the sphere of religious belief to that of political action ; that the growing claims of the human spirit were nourished on the doctrines of the Law of Nature and the Social Contract ; that the yoke of a dying feudalism and a corrupt autocracy bred increasing exasperation among nations rapidly advancing in wealth and education ; and that the explosion occurred in France sooner than elsewhere, not because her condition was more intolerable, but owing to the converging influence of certain political, financial, intellectual, and personal factors. It is the supreme achievement of Albert Sorel to have exhibited the Revolution, which had appeared to some observers as the subversion and to others as the regeneration of the world, as the natural result of the history of France and of Europe.

Every schoolboy, as Macaulay would say, knows that the French Revolution sprang from the combination of material grievances and intellectual ferment, and that it was the latter which made the former more fiercely resented. Among the factors which compelled the French bourgeoisie to think and to ask questions about public affairs two stand out pre-eminent—the writings of Rousseau and the revolt of the American Colonies.

It is a curious coincidence that neither of the two men who have played perhaps the greatest part in the political life of modern France were Frenchmen ; for the one was born in Corsica and the other in Geneva. The style of Jean-Jacques was an open passport in the land where

literary expression is honoured as the greatest of the arts ; and his challenge to the social and political order of the age of Louis XV was delivered with the force and directness of a blow. ' L'homme est né libre ', he begins the *Contrat Social*, ' et partout il est dans les fers.' Here in a single sentence was ammunition enough to lay the battlements of feudal Europe in ruins. Like other great explosive influences Rousseau combines destruction and construction and mixes criticism with hope. Society, he thunders, is evil ; but man is by nature good. To substitute the rule of the people for the tyranny of one, to replace the Roman Church, with its elaborate institutionalism and its outworn dogmas, by the natural pieties implanted in the human heart, to restore the simplicity of family life and to humanize education—to follow, in a word, the dictates of reason and conscience, is to build a new and happier world.

If Rousseau's burning pages were devoured by every one who could read, the revolt of the American colonies, in the success of which France played a decisive part, proved that a determined people could change its government and create a prosperous and orderly society without king, nobility, or a state church. And the impression on the Old World was deepened by the ringing sentences in which Jefferson proclaimed the rights of man and of peoples. ' We hold these truths to be self-evident,' runs the Declaration of Independence, ' that all men are created equal ; that they are endowed by their Creator with certain inalienable rights, among them life, liberty and the pursuit of happiness ; that to secure these rights Governments are instituted among men, deriving their just powers from the consent of the governed ; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new Government, laying its

foundation on such principles and organizing its power in such form as to them shall seem most likely to effect their safety and happiness. Prudence indeed will dictate that governments long established shall not be changed for light and transient causes; and all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government and to provide new guards for their future security.' The principles enunciated in the historic document which founded a nation were reiterated in greater detail in the constitutions of the separate states; and a few years later a French assembly was to borrow not only the spirit but in some cases the very words of its transatlantic model.

When the States-General met at Versailles in May 1789 for the first time since 1614, neither the king nor his advisers realized the importance of the decision they had taken. On ascending the throne Louis XVI had summoned Turgot to reform the finances; but within two years the great minister had fallen, and the plans of Necker, his successor, were ruined by intervention in the American war. From the fall of Necker in 1781 the Government drifted from expedient to expedient, until there was no escape from the impasse save in an appeal to the nation. They were aware that financial assistance would have to be purchased by certain concessions and reforms; but it never occurred to them that they might be faced with the demand for the wholesale transformation of the traditional structure of the state and society.

Their forecast was correct within certain limits; for the members of the States-General brought no mandate

for revolution. The complaints and demands of the French people were set forth in the Cahiers—a wonderful series of documents so voluminous that even to-day they have not all been printed—which photograph the mind of the nation in the spring of 1789. France demands reform, not revolution. The enemy is not the monarchy but feudalism ; the cry is not for self-government but for equality before the law—equality of rights, equality of burdens, equality of opportunities. Though each of the three Estates drew up their own Cahiers, there is much in common in their political demands. All classes were weary of inefficient despotism, and the prevailing sentiment favoured something in the nature of the theory of the British Constitution, with the executive in the hands of the King and the control of the purse in the hands of the Estates. But while the Cahiers of the noblesse and the clergy leave most of the graver evils unspecified and uncensured, those of the country parishes give vent to the peasantry's concentrated hatred of the feudal system, with its oppressive manorial rights, at once odious to the self-respect and detrimental to the economic interests of the peasant. And while the countryside demands the abolition of feudalism and serfdom, the bourgeoisie claim the removal of the régime of privilege which reserved the plums of the public service for the noblesse and the higher ecclesiastics.

The members of the States-General were necessarily inexperienced ; but the standard of ability and character was high. A conflict of opinion and interest between the two privileged classes and the Tiers État was inevitable ; but the peaceful triumph of the latter might possibly have been secured by the influence of a King who combined insight and courage. It is the tragedy of the Revolution that the monarch lacked the resolution to cope with the difficulties of the situation ; that, though

he was a convinced advocate of reform, he was surrounded by its bitterest enemies ; that the worst of his evil counsellors was the Queen ; and that his vacillation destroyed the confidence and goodwill of the reformers. The oath of the Tennis Court, pledging the members not to separate till a Constitution had been established, pronounced the determination of the Assembly to challenge and override the authority of the Crown if the programme which had brought them to Versailles could be realized in no other way. And the destruction of the Bastille on July 14 announced that what we should now call direct action was an instrument of incalculable potency in the hands of a suspicious and exasperated people.

Though the States-General met without any intention to wrest the rudder from the royal pilot, the open hostility of the Court wrought a change of such startling suddenness that the champions of the British Constitution who dominated the Assembly at the start found themselves elbowed out by men who held that the supreme executive power could not be allowed to remain in untrustworthy hands. Within three months of the opening of the States-General power had passed from the monarch to the representatives of the nations, and the sovereignty of the people was formally proclaimed. Though no one of note except Brissot and Condorcet asked for a republic till the autumn of 1790, the spell of monarchy had been broken, and the path lay open to the unchecked onrush of democracy.

After Paris had struck at the absolute monarchy the peasants in many parts of France rose against the châteaux. Stories of destruction, which we may read in the pages of Taine, came flooding into Versailles, and on August 3 the Assembly was informed that property was at the mercy of brigands, and that no castle or convent was safe. The revolt against feudal burdens might have

been foreseen; but the crisis found the Government unprepared. The Court advised the nobles that nothing but speedy surrender could save them, and Barère warned them that his friends would move the abolition of feudal and fiscal privilege. They determined to anticipate the attack by capitulation. At a conference on the same evening, August 3, a wealthy Duke was deputed to announce the voluntary sacrifice of his order. The drama of August 4 has often been described—how the owners of vast estates and the bearers of historic names laid their immemorial privileges on the altar of the fatherland; how the nobles surrendered their feudal dues, their jurisdiction, their immunity from taxation, their monopoly of high office, their game laws; how serfdom was abolished and all employments were thrown open to all classes; how the clergy, vying with the noblesse, bared their bosoms to the sacrificial knife, and proposed the commutation of tithe. History was being made so quickly that a member at one moment passed a note to the President begging him to adjourn, as the members were losing their heads; but the appeal was in vain. The sitting continued far into the night; and when it concluded a peaceful revolution had been accomplished or at any rate inaugurated. The demolition of feudalism, the story of which has recently been reconstructed in Aulard's *La Révolution et le Régime féodal*, was not completed till 1793; but the Rubicon had been crossed. The absolute monarchy had disappeared with the Bastille, and the power of the noblesse was shattered on August 4. Historic France was melting like snow before the sun. As far back as January 1 Abbé Sieyès had published his celebrated pamphlet *Qu'est-ce que le Tiers État?* 'We must ask ourselves three questions,' it began. 'First: What is the Third Estate? Everything. Second: What has it been hitherto in our political

system? Nothing. Third: What does it ask? To become something.' Its ambition had now been realized. The events which had occurred between the publication of the pamphlet and August 4 may be compendiously described as the emergence of the bourgeoisie.

When the *ancien régime* had thus received notice to quit, the Assembly proceeded to lay the foundation of the new democracy; and before a constitution could be framed, its principles had to be defined. Several of the Cahiers had demanded a declaration of rights, and during July lists were produced by Lafayette, Sieyès, Mounier, and other ingenious minds. The draft of Sieyès found most favour; but the text selected by the Assembly was shorter and bore no author's name. After a week's further discussion it was reduced from twenty-four articles to seventeen, and by August 16 it had been adopted. The Declaration of the Rights of Man is of such interest and importance and is so rarely reproduced in the text-books that I will give it in full.

'The Representatives of the French people constituted in a National Assembly,' runs the preamble, 'considering that ignorance, forgetfulness or contempt for the Rights of Man are the sole causes of public evils and of the corruption of governments, have resolved to set forth in a solemn declaration the natural, inalienable, and sacred rights of man, in order that this Declaration, constantly before the eyes of all the members of the social body, should unceasingly remind them of their rights and their duties; that the acts of the legislature and executive, by being compared at every moment with the object of all political institutions, may be more respected; and in order that the demands of the citizens, henceforth based on simple and incontestable principles, may always be directed to the maintenance of the Constitution and happiness of all. In consequence the National Assembly

recognizes and declares, in presence and under the auspices of the Supreme Being, the following Rights of Man and the Citizen.

1. Men are born and remain free and equal in rights. Social distinctions can only be based on expediency.

2. The object of every political association is the maintenance of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.

3. The principle of all sovereignty resides in the nation. No corporation and no individual can exercise authority which does not expressly emanate from it.

4. Liberty consists in the power to do whatever does not injure another. Thus the exercise of the natural rights of each has no limits but those which assure to others the enjoyment of the same rights. These limits can only be determined by the law.

5. The law may only forbid actions injurious to society. What is not forbidden by law cannot be prevented, and no one can be compelled to do what it does not command.

6. Law is the expression of the general will. All citizens have the right to share personally or through their representatives in its formation. It must be the same for all, both in protection and in punishment. All citizens being equal in its eyes are equally eligible to all dignities and public posts according to their capacities and their virtues.

7. None can be accused, arrested, or detained except as prescribed by the law.

8. None can be punished except in virtue of a law promulgated before the offence and legally applied.

9. Every one being presumed innocent till he is declared guilty, if it is deemed essential to arrest him any violence beyond what is necessary to secure his person must be avoided.

10. None may be molested for his opinions, even on religion, provided that their expression does not threaten public order.

11. Free communication of thoughts and opinion is one of the most precious of the rights of man. Therefore every citizen can speak, write, and print freely, subject to responsibility for the abuse of such liberty in cases determined by the law.

12. The guarantee of the rights of man and citizens necessitates a public force. This force is instituted for the advantage of all, not for that of those who command it.

13. The expenses of the public force should be equally distributed among all citizens according to their capacity to pay.

14. Citizens have the right to confirm for themselves or through their representatives the necessity of taxation, to grant it, to supervise its expenditure, to determine its amount, its character, and its duration.

15. Society has the right to demand from every public servant an account of his stewardship.

16. A society without the guarantee of rights and the separation of powers has no Constitution.

17. Property being a sacred and inviolable right, none can be deprived of it unless public necessity, legally determined, clearly demands it, and on payment of fair compensation.'

The Declaration embraces both theory and practice; but the concrete provisions are governed by the theory of the opening article. Though the word liberty occurs several times, the dominant principle of this momentous pronouncement is equality of rights; and it is this principle above all which made the French Revolution a world-force. It was criticized by some of the keenest intellects of the age from different standpoints but with equal severity. 'The pretended rights of these theorists are

all extremes,' wrote Burke ; ' and in proportion as they are metaphysically true they are morally and politically false. The rights of man are in a sort of middle, incapable of definition, but not impossible to be discerned. Far am I from denying the real rights of man. If civil society be made for the advantage of man, all the advantages for which it is made become his right. It is an institution of beneficence ; and law itself is only beneficence acting by a rule. Men have a right to live by that rule. They have a right to justice. They have a right to the fruits of their industry and to the means of making their industry fruitful. They have a right to the acquisitions of their parents ; to the nourishment and improvement to their offspring ; to instruction in life and to consolation in death. Whatever each man can separately do, without trespassing on others, he has a right to do for himself ; and he has a right to a fair portion of all which society, with its combinations of skill and force, can do in his favour. In this partnership all men have equal rights, but not to equal things. He that has but five shillings in the partnership has as good a right to it as he that has five hundred pounds. But he has not a right to an equal dividend in the product of the joint stock ; and as to the share of power which each individual ought to have in the management of the State, that is a thing to be settled by convention.'

While Burke rejected the theoretical approach to politics, Gentz, the most brilliant and unwearying continental opponent of the Revolution, frankly accepted the Law of Nature and the Social Contract. In an essay on the Declaration written in 1792, he hails the document as a new gospel which has already produced something like a revolution in the mind of Europe, and accepts its underlying assumption ' That man, in being born, brings with him rights of which nothing but his own will can

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deprive him, nobody doubts ; nor that he only surrenders a portion of those rights on entering into society in order that the rest may be guaranteed '. But he complains that it was a colossal error to say nothing of the duties of man, and to imply that the source of evils lay outside man in political institutions and machinery. To the governing clause, ' Men are born and remain free and equal in rights ', he rejoins that no one is free, since each must surrender part of his freedom to society. ' It is a garish mixture ', he concludes, ' in which there is not a shadow of philosophical sequence or precision, the work of a moment, an enthusiastic whim decked out in the mask of philanthropy and patriotism. Moreover, never have human rights been so trampled on as in the past three years.'

The criticism of Bentham in his little tract on ' Anarchical Fallacies ' was even more hostile. ' Natural rights ', he declared, ' are simple nonsense ; natural and imprescriptible rights are rhetorical nonsense, nonsense upon stilts.' Abstract rights, he argued, are a contradiction in terms ; for rights, which are claims to liberty, no less than laws, which are infringements of liberty, must be defended by a reference to utility. Liberty, for instance, is dependent on capacity, since many people need protection owing to weakness, ignorance, or imprudence. Inequality is condemned not as an injustice but as tending to diminish happiness. The first requisite of happiness is security ; and if the claims of equality conflict with it, they must be sacrificed. But he accepted the Rights of Man as desirable in practice, though wrong in theory ; and his doctrine that each was to count for one and none for more than one stated in another form the French doctrine that the world should be adjusted to the needs and interests of the common man.

' The declaration of the Rights of Man was meagre

and confused', writes Lord Acton, 'and Bentham found a malignant pleasure in tearing it to pieces. But it is a triumphant proclamation of the doctrine that human obligations are not all assignable to contract, or to interest, or to force. This single page of print outweighs libraries and is stronger than all the armies of Napoleon. The Assembly, which had abolished the past at the beginning of August, attempted at the end of the month to institute and regulate the future. These are its abiding works, and the perpetual heritage of the Revolution. With them a new era dawned upon mankind.' When the Terror was over and the natural frontiers secured, some of the practical implications of the Declaration were worked out, above all in the domain of education and the codification of the law.

The initial demand for equality of rights led by rapid stages to the formulation of the doctrine of the sovereignty of the people. The King had been assumed to be the champion of his subjects against feudal oppression. When, however, he emerged rather the enemy than the patron of the political and social reformation, the notion that sovereignty resided in the people and its authorized representatives spread with the rapidity of a prairie fire. Theoretical royalism lingered on till the flight to Varennes convinced France that her ruler had ceased to belong to the nation, and that she must act for herself.

The French people had become self-conscious in their victorious struggle with the Crown and its advisers; but no sooner was it at an end than a new conflict arose. The principles of '89 were a challenge to all the Great Powers in Europe; and though we need not argue with Ranke that an armed collision was inevitable, it would have required exceptional self-control on both sides to avoid it. The proximate cause of the war was the gathering of the *émigrés* in the Rhineland, which with the assent of its

German rulers they used as a base for their counter-revolutionary operations. When war was declared in March 1792 at the instigation of Brissot, the Girondin leader, his policy was resisted by Robespierre and other Jacobin chiefs. When, however, the first skirmishes revealed the weakness of the French troops, and when the Duke of Brunswick launched his brutal Manifesto, marched into France and captured Verdun, the monarchy was overthrown and the nation rose in its might to hurl back the invader. Men only realize how dearly they love their country when it is threatened or visited by some overwhelming calamity; and France was summoned to defend not only the soil of the fatherland but the precious conquests of the Revolution. In a remarkable forecast in his reply to Burke in 1791 Mackintosh foretold that if an anti-revolutionary alliance were to be formed it would have no other effect than to animate patriotism and banish division, while failure would set in motion forces that would subvert the old governments of Europe. While patriotism is as old as human association, nationalism as an operative principle and an articulate creed issued from the volcanic fires of the Revolution. The tide of battle turned at Valmy; and on the evening after the skirmish Goethe, who had accompanied his friend and master, Karl August of Weimar, replied to a request for his opinion in the historic words, 'From to-day begins a new era; and you will be able to say that you were present at its birth.' The poet was right. The titanic energy of a nation which since 1789 had devoted itself to the task of internal reform now turned to meet the foe. The second stage of the Revolution had begun, and nationalism blossomed forth in irresistible strength. The lawyers and publicists who had gathered at Versailles in 1789 had entertained no thought of aggression, and the Constitution of 1791 expressly declared that France

would never fight for conquests. But when blood began to flow and the achievements of the Revolution were imperilled, the French people turned into a community of supermen, whose volcanic energy scattered the hosts of feudal Europe like chaff before the wind.

It was not to be expected that the victorious troops of the Republic would halt on the frontier when the invader had been expelled. The inherited doctrine of the natural frontiers of France, the frontiers marked by nature—the Rhine, the Alps, and the Pyrenees—was proclaimed anew by Danton and echoed from a thousand throats. But the programme of the statesmen of the *ancien régime* was enriched by a new element of revolutionary idealism. The people which had won its liberties and defended them against foreign attack could now aid others to follow in its footsteps. On November 19, 1792, after Dumouriez' victory in Belgium, a decree was passed which reverberated through Europe. 'The National Convention declares, in the name of the French nation, that it will accord fraternity and succour to all peoples who may desire to recover their liberty, and charges the executive to order the generals to rescue the peoples and defend the citizens who have suffered or may be called upon to suffer for the cause of liberty.'

This celebrated decree carried a stage further the universalism which had marked the French Revolution from the outset. The Declaration of the Rights of Man had substituted theory for custom and reason for tradition. The new evangelists proclaimed their gospel in French; but they believed that its music would sound as sweet in any other tongue. For the first two years they were content to allow it to make its way in the world by the intrinsic force of its appeal; but when the New France and the Old Europe were locked in deadly embrace, the military value of propaganda became

apparent. 'In the first moments of peril', writes Sorel, 'it had been all patriotism, and in the first moments of deliverance all enthusiasm; and now the hour of pride arrived.' The Convention's offer of assistance to peoples to gain their liberty, at first sight an almost quixotically unselfish formula, proved merely a cloak for aggression, since French armies were the judges of whether the peoples were desirous of liberty, and assumed that it could only be enjoyed by annexation to the Republic. Thus in the space of a few months in the summer and autumn of 1792 militant nationalism revealed not only its magical power of mobilizing the latent strength of a people, but the temptation to a virile nation to carry fire and sword into the lands of its unfortunate neighbours.

The fall of the Bastille and the Declaration of the Rights of Man put into acts and words the muffled aspirations of the masses all over Europe, and gave to the humble and disinherited a new sense of human dignity. When France in trumpet tones demanded the downfall of feudalism, proclaimed the equality of burdens, and declared every man possessed of certain inalienable rights, generous hearts were thrilled by the warmth and the glory of the sunrise. The windows of the prison-house seemed to fly open and the light of liberty streamed in. Enthusiasm for the Revolution was intensified by the conviction of its universal significance, which was recognized both by those who took part in it, and those who watched it from afar. Condorcet proclaimed that a good law was good for all, just as a true proposition was true for all. The orators on the Seine were fully conscious that the eyes of the world were upon them. 'Your laws will be the laws of Europe if you are worthy of them,' declared Mirabeau to the Constituent Assembly; 'the Revolution will make the round of the globe.' 'If we succeed', cried André Chénier, the poet, 'the destiny of Europe

will be changed. Men will regain their rights and the people their sovereignty. Kings struck by the success of our labours and the example of our monarch may share their power with their peoples; and perhaps the peoples, happier than we, may obtain a free and equitable constitution without passing through our troubles. Then the name of France will be blessed upon earth.' 'Whoever regards this Revolution as exclusively French', echoed Mallet du Pan, the eloquent Swiss publicist, 'is incapable of pronouncing judgement upon it.' 'It is one of those events', wrote Gentz, the German Burke, 'which belong to the whole human race. It is of such dimensions that it is hardly permissible to occupy oneself with any subordinate interest, of such magnitude that posterity will eagerly inquire how contemporaries in every country thought and felt about it, how they argued and how they acted.' Friends and foes of the 'principles of '89' were at one in emphasizing the compelling power of their appeal; and men like Burke and Tom Paine, Immanuel Kant and Joseph de Maistre, who agreed in nothing else, were convinced that the problems raised by the Revolution concerned humanity as a whole. 'As I look at the map of the world', cried Anacharsis Cloots, 'it seems to me a if all other countries had vanished and only France exists, with her rays filling the universe.'

To measure the contemporary and ultimate effects of the Revolution as a world-force, with its three doctrines of equality, popular sovereignty and nationality, would require a course of lectures; and we must content ourselves with a glance at the two most highly educated states outside France at the end of the eighteenth century.

The first voices in England were those of congratulation. Fox's exclamation, that the fall of the Bastille was much the greatest and best event that had ever happened, expressed, if in somewhat exuberant terms, the disin-

terested satisfaction with which the great majority of Englishmen witnessed the downfall of a despotic government. And to men like Price and Priestley, Wordsworth and Southey and Coleridge, it was the beginning of a new era of progress and enlightenment, the realization of those generous visions of perfectibility which floated before the noblest minds in the latter part of the eighteenth century, and received their classic expression in Condorcet's *Sketch of the Progress of the Human Mind*.

> Bliss was it in that dawn to be alive,
> But to be young was very heaven.

The publication of Burke's *Reflections* in the autumn of 1790 gave a rude shock to public opinion. He had been untouched by the generous emotions which affected most of his contemporaries, and the women's march on Versailles convinced him that nothing but evil would come of the Revolution. His argument was vitiated by ignorance of the political and economic condition of France; and he failed to realize that the *ancien régime* was rotten to the core, that feudalism was doomed, and that the Assembly had already lifted an immense burden from the shoulders of the people. But the permanent value of the *Reflections* lies not in the criticism of the Revolution but in the discussion of the method of political change, which in turn involved the still wider problem of the nature of human society. To the French view that society consisted of an association of individuals bound together by a contract for certain definite and limited purposes he opposed the conception of a living organism whose character is determined by its history, and whose members are linked to one another and to the whole by a network of unseen influences. In this recognition of the instinctive and historical element in human association lies Burke's supreme claim to greatness as a political

thinker. The work is not only the greatest exposition of the philosophic basis of conservatism ever written, but a declaration of the principles of evolution, continuity, and solidarity which must find a place in all sound political thinking. Against the omnipotence of the individual he sets the collective reason ; against the demands of the present he sets the accumulated experience of the past ; for natural rights he offers social rights ; for liberty he offers law. Society means to him a partnership between those who are living, those who are dead, and those who are yet to be born. But in his protest against a mechanical individualism he falls into the opposite error. The present ceases to be merely the heir of the past and becomes its slave. States are denied the power of self-determination inherent in every living society, and hoary abuses are sheltered under the mantle of historical tradition and prescriptive right.

King George III said it was a book which every gentleman should read ; and it was rapturously hailed as the manifesto of the counter-revolution by the governing classes throughout Europe. In England it made conservative readers more conservative and radical readers more radical. Mackintosh replied for the liberal bourgeoisie in his *Vindiciae Gallicae* ; but with the coming of the Terror he recanted his liberalism. Tom Paine's *Rights of Man*, written for what Burke called the swinish multitude, frightened the upper classes even more than the *Reflections* ; for the unflinching appeal to natural rights, the outspoken contempt for the English Constitution, the audacious attack on the King, and the confident assumption that monarchy and aristocracy would speedily disappear from Europe, seemed a confirmation of their worst fears. The alarm increased when it was known that the book was selling by tens of thousands, and that political societies of radical views were springing up like

mushrooms. With the overthrow of the monarchy, the execution of the King and the outbreak of war, England was stampeded into panic, with Pitt at her head. The majority of the Whigs joined the Government, and Fox and Grey, with a handful of courageous followers, kept alive the flickering flame of liberalism with infinite difficulty. The hands of the clock were put back. But for the Revolution Parliament might have been reformed, Nonconformists freed from their disabilities, and the Slave Trade abolished before the end of the century. Not till nearly forty years later had England sufficiently recovered from the shock to take up the work of reform where it had been dropped by Pitt.

'I observe that minds are fermenting in that Germany of yours,' wrote Mirabeau to his Brunswick friend Mauvillon at the end of 1789; 'but since your brains are petrified with slavery, the explosion will come with you much later than with us.' The great tribune's prophecy proved correct; for the main effects of the Revolution in Germany were manifested after the acute crisis in France was past.

Early scenes of the compelling drama on the Seine were loudly applauded by the élite of Central Europe; and the war against France was never waged with enthusiasm or conviction. When military blunders, financial stringency, jealousy of Austria, and the complications of the Polish question compelled Prussia to sign the Treaty of Basle in 1795, the causes of the collapse of the army of Frederick the Great before the levies of the Republic were eagerly canvassed, and were generally agreed to lie in the lack of national spirit. But it was not till the stricken field of Jena that even the King realized he must break with the past. Those who approved and those who detested the principles of '89 agreed that Germany must learn the lessons of the years of the struggle. Throughout

Europe a truceless struggle was in progress between the *ancien régime* and the ideas of '89 ; and when a State or a statesman decided to break with feudalism they were compelled to study and to some extent to adopt French models. As it was the abstract ideas of 1789 which had appealed to the thinkers and writers of Germany, so it was their concrete results, stamped boldly across the map of Europe, which converted conservative statesmen to a policy of sweeping reform. 'If the nation is to be uplifted,' declared Stein, 'the submerged part must be given liberty, independence, property, and the protection of the laws'; and in his short-lived ministry he emancipated the peasants of Prussia and granted self-government to the municipalities. 'Your Majesty,' declared Hardenberg to Frederick William III of Prussia, 'we must do from above what the French have done from below.' He was as good as his word ; for he completed the creation of a free peasantry, and his work has been proudly claimed by Cavaignac as the most indubitable testimony to the action of the French Revolution on European society.

The most remarkable German tribute to the creative energies of the Revolution comes from Gneisenau. The great soldier detested French ideas and spent his life fighting the forces which they unchained ; but he recognized the strength that France had derived from them and was eager to apply the lesson to his own country. 'One cause above all others has raised France to this pinnacle of greatness,' he wrote after Jena. 'The Revolution awakened all her powers and gave to every individual a suitable field for his activity. What infinite aptitudes slumber undeveloped in the bosom of a nation ! In the breasts of thousands resides real genius. Why do not the Courts take steps to open up a career to it wherever it is found, to encourage talents and virtues whatever the

rank? Why did they not seize this opportunity to multiply their powers a thousandfold, and to open to the simple bourgeois the Arc de Triomphe through which only the noble can now pass? The new era requires more than old names, titles, and parchments. The Revolution has set the whole strength of a nation in motion, and by the equalization of the different classes and the equal taxation of property converted the living strength in man and the dead strength in resources into a productive capital, and thereby upset the old relations of States. If other States decide to restore this equilibrium, they must appropriate the results of this Revolution. They will thus reap the double advantage of being able to mobilize their whole national strength against another Power and of escaping the danger of a revolution, which hangs over them so long as they refuse to obviate a forcible change by a voluntary transformation.'

The French Revolution was compared by Klinger to the magic work of Medea, who cast the dead limbs of age into the boiling cauldron to emerge young and beautiful; and George Forster expressed the wish that his country would warm itself at the flame without being burned. The aspiration was destined in large measure to be fulfilled. While in England the reform movement was thrown back forty years by the earthquake and the storm, in Germany it was strengthened and accelerated. The ringing blows of Thor's hammer awoke the nation from its slumbers, and rendered the ultimate disappearance of feudalism and autocracy inevitable. The political unification of the nation was deferred for a couple of generations; but the signal for its deliverance from the thraldom of mediaeval institutions and outworn ideas was sounded by the tocsin which rang out on the Seine in 1789.

The French Revolution as a series of definite political

events was soon over ; but the wars to which it led swept away many familiar landmarks, among them the Holy Roman Empire, and profoundly modified the thought and sentiment of Europe. The challenge to tradition, bringing blood-stained anarchy in its train, led to a temporary revival of the Roman Church. During the course of the Revolution Joseph de Maistre foretold that though directed against Catholicism and in favour of democracy, its result would be exactly the contrary ; and the next generation was to prove the accuracy of his forecast. The Papacy won back its power by suffering, and the violence of the attack on religion in France and in the countries she overran strengthened the reaction. The conclusion of the Concordat in 1802 merely recognized the change that had already occurred. The principle of authority seemed to regain its place. The aesthetic appeal was made in Chateaubriand's *Génie du Christianisme*, and the appeal to reason received its classic expression a few years later in de Maistre's treatise *Du Pape*. But the revival of religion was to prove only a temporary phenomenon ; and in its ultimate effect the French Revolution acted as a powerful solvent not only of ecclesiastical authority but of dogmatic belief. The growing secularization of thought, which was the main characteristic of the Aufklärung or Age of Enlightenment, was encouraged and accelerated by the movement which scoffed at tradition and proclaimed the supremacy of reason.

' France did more than conquer Europe,' writes Sorel in an eloquent passage, ' she converted her. Victorious even in their defeat, the French won over to their ideas the very nations which revolted against their domination. The princes most eagerly bent on penning in the Revolution saw it, on returning from their crusade, sprouting in the soil of their own estates, which had been fertilized

by the blood of French soldiers. The French Revolution only ceased to be a source of strife between France and Europe to inaugurate a political and social revolution which in less than half a century has changed the face of the European world.'

The most important of the long-range results of the Revolution has been the extension and application of the principle of equality through every department and relation of social life. The conception of common citizenship made it impossible to maintain the disabilities of the Jews. Their case had been persuasively argued by Lessing and other philosophers before 1789 ; but it is to the Revolution, to Mirabeau and Grégoire, to the march of the French armies across Europe, that the Jews look back as the signal of their emancipation. Equally impossible did it prove to tolerate the continuance of slavery. While the English abolitionists, both Quakers and Evangelicals, were largely animated by religious scruples, the Frenchmen who founded the Société des Amis des Noirs approached the problem from the standpoint of human right. The Constituent Assembly chivalrously declared the slaves in French possessions to be citizens of France ; and, though the dread of Jacobinism retarded abolition, its ultimate triumph was mainly due to the world-wide currency of French ideas. In a third direction the Revolution marks a turning-point in the history of women. Though the National Assembly refused to receive a petition for female suffrage, the conception of equality could not fail to lead to the demand for equal treatment and equal opportunities for both sexes. A few ineffective champions of woman's rights had raised their voices before the Revolution ; but it was the appeal to reason and the heightened sense of the spiritual worth of the individual implied in the Declaration of the Rights of Man which rendered the ultimate overthrow of the sex

barrier inevitable. No work of the revolutionary era breathed the very spirit of the new gospel of equality of rights in fuller measure than Mary Wolstonecraft's *Rights of Woman*, and the arguments set forth in her eloquent plea are echoed in the cooler pages of Condorcet and Bentham, Hippel and Friedrich Schlegel.

Finally, the principle of equality gave an immense impetus to socialism. The members of the Constituent and Legislative Assemblies were bourgeois individualists, whose social conservatism and class selfishness moves the wrath not only of socialist historians such as Jaurès and Kropotkin but also of the radical Aulard. With the overthrow of the Monarchy and the election of the Convention in 1792 by universal male suffrage a breach was made in the defences of the victorious bourgeoisie; but when the Terror was over and the Convention dissolved in 1795, France returned to a restricted franchise. The Directory was the organ of the prosperous middle class. In such an atmosphere socialist ideas and socialist legislation were heresy; yet the deeper forces set in motion by the great upheaval could not be confined to the political sphere. The nationalization of the land appears frequently in the pamphlets of the revolutionary decade; and with the conspiracy of Babœuf socialism ceased to be merely a speculative doctrine and became a political programme. But more important than any direct advocacy was the effect of the sudden and wholesale changes of ownership and the attack on the sentiment of the sacredness of property. If men, as the Declaration of the Rights of Man affirmed, were born equal in rights, the contrasts between inherited wealth and inherited poverty were bound to provoke the demand that the community should assume control of the sources of production and should assure to every member a fair share in the necessities and even the amenities of life.

When the conquest of at any rate theoretical political equality in most of the civilized countries of the world had been followed by the discovery how little the manual worker had profited, the minimum standard of life—a minimum of material well-being, of education, of leisure, of opportunity—became the gospel of reformers. It is in this insistent claim of the common man for his part in the fullness of life that the operation of the fundamental principle of the French Revolution is most clearly traceable at the present time.

The Revolution proclaimed the gospel of human rights and national self-determination; but its leaders never rose to the august conception of an all-embracing league of nations. The eccentric Prussian Baron, Anacharsis Cloots, who threw in his lot with the French reformers, led a deputation of foreign residents in Paris to the bar of the Assembly as delegates of the human race; but his vision of a united humanity involved the disappearance of nationality. 'As individuals have improved their lot by forming communities,' he wrote in 1791, 'so peoples will benefit by combining into a single nation. When national sentiment is abolished, the whole world will be the fatherland of every individual. There will be no more *émigrés* and no more war. The French Assembly will then be the representative body of the thousand departments of the world, each returning ten members, and Paris will be the capital of the globe, the Vatican of Reason. All the world will be a Garden of Eden, and East and West will embrace. The world will enjoy perpetual peace; but to reach it there must be one more war against tyrants.'

After three years' experience of the war which Cloots had foretold and desired, another German of very different calibre sketched out a plan for a League of Nations which accepted the teaching of Sully and William Penn and the

Abbé Saint-Pierre, and carried it a stage further. In his pregnant little treatise on ' Perpetual Peace ' Immanuel Kant, the founder of sane Internationalism, seizes on the idea of self-government and rears upon it the still loftier ideal of a supernational organization. If law, based on reason and morality, is the foundation of the life of the State, it should equally regulate the relations of States to one another. The family of nations needs a constitution no less than France and Russia ; for so long as each State recognizes no authority above itself, and no duty except to itself, wars will continue. There must therefore be some loose federal union ; and its members must be self-governing. Not till selfish and capricious autocracies are replaced by representative institutions will a new system of relations between States become possible. Every people must become master of its own fate. For an autocracy to plunge into war is the easiest thing in the world, and requires no greater effort on the part of the ruler than to issue orders for a hunt. But if the consent of the citizens is required for the making of war, they will think twice before they undertake such a bad business. For a bad business it is, whatever the result. Victory can never decide the question of right. The transformation of Europe into a loose federation of unarmed and self-governing communities, settling their disputes by arbitration, will take a long time ; but Nature urges us forward to the highest and most arduous of human tasks. Kant was a child of the Aufklärung in his belief in the majesty of reason ; but in his demand for the co-operation of the people in the work of government and the maintenance of peace he derives from Rousseau and stretches out his hand to the democratic forces which the Aufklärung despised. His moral and political philosophy was grounded on his conviction that man was a rational being, and that Nature or Providence was irresistibly

urging him onward and upward. Man, he declares in noble words, cannot get away from the idea of right. And it is precisely this robust belief in human nature and in the sterling worth of the individual citizen which ennobles the Declaration of the Rights of Man, and which rendered the French Revolution the strongest and most bracing influence in the making of our modern world.

VII

THE CONGRESS AND SETTLEMENT OF VIENNA, 1814–15

Professor C. R. Beazley

In 1787 Aurelio Bertola, soldier, man of letters, and philosopher, declared in his *Philosophy of History* that the political system of Europe had arrived at ' perfection '. ' An equilibrium has been attained which henceforth preserves peoples from subjugation. Few reforms are now needed, and these will be accomplished peaceably. Europe has no need to fear a revolution.' The Congress of Vienna entertained hopes somewhat similar, after the tempest of that revolution which Bertola had dismissed as inconceivable. And the expectations of 1815—however a later age might smile—were better founded than those of 1787. For, in spite of grievous faults, and especially a quite inadequate realization of the meaning of Nationality and Democracy, the two chief moulding forces of the century, the Vienna Settlement was not, as things go, ineffective. It gave peace to a troubled world ; it satisfied, on the whole, and for the time, the claims and desires of the Great Nations, or at least of their Governments and governing classes ; it established, again for a time, something of a *League of Nations* and a *Concert of Europe* ; it averted anything like a general or ' European ' war for many years ; and it enabled civilization to progress, in the absence of violent conflict, in a manner quite astonishing, and in some ways without parallel.

For nearly half a century the ' Unsettlement of Vienna '

was not seriously altered (1815–54). The July Revolution of 1830 in France may be regarded as, in the main, a return to the Constitutional Monarchy set up in 1814–15, and the Belgian and Greek struggles only affected small nationalities and small areas. Not until the era of the Crimean War was there a vital change in the European position.

Since the Protestant Reformation of the sixteenth century (perhaps one may say since the Fall of Rome in the fifth) Christendom had scarcely ever seen so long an Age of profound and general peace. And under the shelter of this, almost every field of culture, and especially the sciences of nature and of man, from Biology to History, prospered exceedingly. An Age of material, intellectual and social development of the progressive races follows an age (the eighteenth century) devastated by diplomatic intrigue, by royal and aristocratic misgovernment, and by incessant and often base-minded war.

Though it had largely failed, like the Palestine crusades of old, in its immediate ambitions, the French Revolution and its Napoleonic sequel had really given new life both to the healthier workings of the Democratic Spirit and to a sane Nationalism. The tyrannies and bigotries of the *ancien régime* were not simply restored by the Congress of Vienna: a new spirit of Nationality was awake; Europe was in essentials very different in 1815 from what it had been thirty years before. Napoleon himself had stirred up a national spirit where it had long slumbered; the new Charlemagne had been overthrown by national uprisings.

The Settlement of Vienna—besides this underlying need of rewarding those Nationalist forces which had made such a settlement possible—was guided perhaps by three main principles. These principles largely overlap; and

the two former, at any rate, are almost eternal in human nature.

1. First came *Rewards and Punishments*; and under this principle most of the important details of the Vienna treaties can be considered.

2. Next was *Precaution*, to guard against a revival of the Time of Trouble.

3. And lastly, the policy of *Restoring* things as they were at the beginning of the revolutionary time—including that Balance of Political Power which men had worshipped in the eighteenth century and were to worship again—was followed, wherever possible. 'Back to 1789,' however, was not possible in many fields, and where it was attempted, the attempt was often superficial.

1. Among *past services* none were more important, none made more pressing claims, than the RUSSIAN. The Tsardom had emerged with glory from a conflict which decided the fate of civilization. No one had done more to save Europe from French overlordship than Alexander, son of Paul. No people had done more than his. They were honoured in all the Allied countries as among the chief deliverers of the world, among the chief creators of a newer and happier age. The French themselves were not ungrateful for Russian moderation in the Peace Settlement.

So Russia received a generous share of the spoil—Bessarabian, Caucasian, Finlandian, and Polish. But the last—the bulk of the *Grand Duchy of Warsaw*—was not granted as a subject province, but as a constitutional kingdom, united with the Empire through the common sovereignty of the Tsar, who reigned here as a 'limited' monarch and no autocrat. Here also important compromises were arranged with restored Austria and Prussia.

On this pinnacle of power and glory stood *Moscovy* till the Crimean War.

AUSTRIA was, in the main, restored to the position she had held at the outbreak of the Revolution. But her Italian possessions were increased by Venetia; while she withdrew from her far-outlying dominions on east and west—from Belgium (the old 'Austrian Netherlands'), from the Central Polish lands beyond the Vistula and the San, and from various scattered regions or claims in south-western Germany.

In place of the Crown of the Holy Empire, the Hapsburgs were now content with a presidency in that German confederation which took the place of the *Sanctum Romanum Imperium*. Taught by experience, and by Metternich, they adopted concentration and moderation as maxims of state.

The continental position of Austria, in and after the Congress, seemed only second to that of Russia. Yet it was not only (to a remarkable extent) make-believe, but the imposture was somewhat conscious. As the century wore on, the words of Meyendorff became increasingly true, 'the Austrian Foreign Minister is a political dastard. He dreads every war.' And the next great clash of arms justified that dread.

PRUSSIA, more than any Great Power, had been cut short, and trampled down, by Napoleon. 'Prussia is done for; she will never rise again,' the French Emperor had said after Jena. Now she was restored, not to her old position, but to something sounder and stronger. The 'semi-Slav' North German Kingdom now became overwhelmingly German, and the greatest of purely Germanic States. In the East she resigned much of her old Polish gains of the Second and Third Partitions

—so dangerous for her safety—to her *Moscovite* friend and neighbour. 'Many thanks, I have had enough of them' said Frederick William, not without a wisdom born of experience. Even the Posen Province might have been relinquished with the rest, could all Saxony have been secured. But the vital *West Prussian* acquisitions of Frederick the Great and the First Partition were of course retained.

Russia was for a time insistent on all the Polish Grand Duchy, as Prussia for all Saxony—Austria and Great Britain, together with France, inflexibly opposed. For a moment, a new War of Nations was feared, hoped, or expected. But the danger passed—for only France really desired such a rupture—and the situation was saved by compromise.

In the South, therefore, about half of Napoleonic Saxony became Prussian: in the East, Posen; in the North, that part of Western Pomerania which had been Swedish since the Thirty Years' War and the Peace of Westphalia, in the days of Charles I of England. Lastly, in the West, Prussia's position was absolutely changed. Hitherto her Rhineland interests had been small: she now became the chief German power towards France, as towards Russia. From the Netherland frontier to the Moselle and the Saar all the Rhine basin became 'Rhenish Prussia'. And with this went Westphalia. The oldest classic lands of German civilization passed under Prussian rule. Cologne and Bonn, Coblenz, Aachen, and Trier, became Prussian cities. But the Congress would not permit this new Western Prussia to be linked up with the main block of the Kingdom. Between the two portions stretched a corridor of lesser German states, chief among which was Hanover, still joined by personal union with Britain, down to the accession of Queen Victoria.

But although Prussian disappointment was loudly and

bitterly expressed by some—'we drove a fine bull to Vienna,' growled Blücher, 'and brought away a mangy old ox'—perhaps no continental country gained such solid benefit from the Treaties of 1815. And to complete these advantages, the corridor of separation was at last made a bridge and a bond of union by the Bismarckian victories of 1866.

GREAT BRITAIN, 'the most constant' of the foes of the Revolution and of Napoleon, found her chief rewards in the Colonial World. In Europe she acquired, as fruits of victory, only Malta from the Hospitallers, and Heligoland from the Danes—the former for centuries one of the strongest and most famous of fortresses, the latter a potential Malta of the north, almost unnoticed till its transference to Germany in 1890.

Outside Europe, the Anglo-Indian Empire had begun to assume its complete form; it was already the dominant power from the Punjab to Ceylon.

In another field, the colonization of Australia had commenced; the Southern Sub-continent, equal to Europe in size, was now entirely claimed by Britain, entirely forfeited by the Netherlands. Yet "Batavian" seamen and statesmen had first truly opened *New Holland* to civilized knowledge.

The British Dominion in Canada was also maturing and extending; American hopes of conquest in the recent war had been baffled (1812–14).

From the unlucky Dutch, compelled since 1795 to follow their French masters in the European struggle, England took the Cape of Good Hope, the basis of a South African empire. For a time the London Government seemed resolute to annex even Java, but by a tardy justice, or the ignorance of a minister, this pearl of islands was left to the Netherlanders.

From France Britain of course took practically all that remained of her old colonial domain as it had stood at the outbreak of war in 1793. Though not extensive, these cessions served to demonstrate the remarkable predominance of the Island Power, the total extinction of France, in the Colonial World across the Ocean.

SWEDEN, whose desertion of the French cause—her traditional alliance—had been so useful in the *War of Liberation*, was obliged to cede to Prussia her Pomeranian lands, and to Russia the whole of Finland; but she obtained, men thought, a rich recompense in the Union of Norway with her body politic. She thus retired for ever from her position oversea, which had been so developed in the seventeenth century, while she played the part of a Great Power. On the other hand, by a new kind of 'Kalmar-Union', her sovereigns became rulers of the whole Peninsula of Scandinavia. One thing she lacked—the friendship, or even tolerance, of the Norwegian people.

The *Punishment of Offenders*, so constantly the complement of the *Rewarding of Victors*, involved not only the reduction of France to the limits of the Old Monarchy, to the frontiers of 1789, but also the chastisement, in varied measure, of the aiders and abettors of Napoleon and the Revolution.

The French historic State was treated with scrupulous consideration. As she had been at the close of the *ancien régime*, so she was left again, without diminution of border, or onerous condition. Only an indemnity of moderate amount was imposed, and provision was made for the garrisoning of certain fortresses or districts by Allied troops for a time. Of relentless punishment, ruthless revenge, there was none. All German demands

for a 'restoration' of Alsace were rejected. But for the return from Elba, and the campaign of the Hundred Days, Louis XVIII would have been allowed to retain some small gains of the Revolution.

But the allies of France sometimes fared differently. The King of Saxony, so constant to Napoleon, not only lost his Grand Duchy of Warsaw, but half of his German kingdom. Narrowly did he escape with this. Prussian policy, we have seen, was set upon the acquisition of the whole. But here Austria, Britain, and France, for various reasons, intervened. All united in condemning the 'grasping ambition' of Berlin—the Hapsburg monarchy especially desired to retain a Buffer State on its northern side. The Silesian frontier offered only too extended a contact with Austria's dangerous rival.

The revived Poland which Napoleon had created (in his Warsaw Duchy), lost certain regions to Austria and Prussia, and passed in bulk, as we have seen, under the rule of the Tsar. But its preservation as a buffer state, a constitutional kingdom, and a national entity, was earnestly desired by many of the statesmen at Vienna, and in the settlement arrived at they trusted that their wishes had been realized. After a few years their hopes were shattered (from 1831), but the destruction of the Polish liberties by the Tsardom was not the work, or the wish, of Wellington, of Castlereagh, of Metternich, or of Talleyrand.

Lastly Denmark, the ever faithful and unfortunate, shorn of the Norwegian partnership, of Heligoland, and of her almost unrestricted sovereignty over Holstein—which now reverted to the position of a German land under Danish suzerainty—was relegated to an obscure and powerless position in the European and Christian family.

Bavaria, on the contrary, having quitted the French cause just in time, was only deprived of Napoleonic gifts from the Austrian crown lands, such as Tirol; and, like

Württemberg, retained her old territories and her royal title.

2. Among *Measures of Precaution*—arrangements to prevent any new outbreak of the ' French danger ' and the spirit of Revolution—we may especially notice the erection of four or five geographical Bulwarks.

The Prussian Bulwark in the Rhineland, and the Austrian Bulwark in North Italy, have been noticed among the *Spoils of the Victors*, but certain others remain.

In north-west Italy, Piedmont was restored and slightly augmented, under the House of Savoy, which now acquired Genoa, and regained its Savoyard lands, ' as in 1789,' on the French side of the Alps.

In the Low Countries, north and south, ' Belgian ' and ' Dutch ' were joined together in one Kingdom of the Netherlands. Not since the Pacification of Ghent, the crowning mercy of William the Silent, had such a thing been seen. High hopes were entertained for the Union. But it was not destined to endure. Racially, socially, economically, and in religion, the defects were fatal.

Finally, the Swiss confederates, mainly Teutonic in race, although specially favoured by Napoleon, were expected to serve, in some measure, as another breakwater in the middle east of the French frontier.

3. The third and last principle—that of the *Restoration of All Things*—within the bounds of possibility, and according to the conditions of 1789—secured, among other things, that considerate treatment of offending France which marks the Vienna Congress as a gathering of statesmen, healers and helpers of a sick world. The Bourbon monarchy returned to all its old possessions in Europe, but not to its autocratic power. Louis XVIII, the cherished protégé of the Allies, was to govern accord-

ing to the ideals of a moderate conservatism, not according to the system of Louis XIV. Parliamentary partnership in government, an elected Lower House, ministerial responsibility, freedom of the press, religious liberty, judicial independence, were established.

Under the same system of Rehabilitation, Italy was resettled, much as she had been in 1789, with a dominating Austrian influence, a restored Papal state, a restored Kingdom of Naples (or of the Two Sicilies), a restored and strengthened Piedmont-Sardinia. Nowhere did the Congress more unhappily ignore the claims of Nationality.

We have seen in how liberal a sense Austria and Prussia were 'restored' by the Settlement of Vienna, and in particular how profound were the differences of the new and the old Hohenzollern state. But in the re-constitution of the Germanic body we have a better example of the conservative work of Vienna. The new Teutonic *Bund*, it is true, was a loose confederation of only thirty-nine states, answering to the hundreds which the Revolution had found, and overthrown. Yet both in its territorial extent, and in its headlessness, its helplessness, its permanent condition of Balance and Deadlock, it answered fairly well to the Holy Roman Empire, the 'heilige römische Reich', in its last days. Fortunately, the Congress here preserved something of the Napoleonic simplification. But all proposals to make this *Bund*—as Prussia desired—an effective nation, under definite direction, broke helplessly upon the opposition, the anger, and the alarm of Austria and the Lesser States.

Instead of any such vision of nationality and patriotism, the old double and triple rivalry reappeared: with a more diffused yet far stronger Prussia, a more concentrated but not more powerful Austria, and a smaller and more compact congeries of Minor States. Where the

old ghost of the Imperial dignity had stood, there was a blank. It was, despite the Presidential dignity of the Hapsburg *Kaiser*, a headless Germany.

The only Bond of Union was the new Federal Diet or Permanent Congress of Diplomatic Agents from all the Teutonic forty states save one. In practice it proved even more futile than disappointed Nationalists had worked out in theory. Till Bismarck became the chief Prussian envoy at this *Bundestag*, it scarcely played any part in history, and when it collapsed in the Bismarckian reconstruction of 1866 ' not a dog barked '.

But however abortive its work for German Unity, the Vienna Peace really commenced, and proclaimed, a new age of Germanic influence and power, such as had not been, in politics and civilization, since the century of Charles V and of Luther.

Before leaving the Congress, the statesmen of Vienna endeavoured to give every possible sanction and protection to their work. The Treaties just concluded were placed under the guarantee of the Great Powers, victors and vanquished—Britain, Russia, Austria, Prussia, and France. It was even proposed to set up an International Judicial Body which should maintain, expound, and apply the provisions of the Vienna Settlement. The idea of a European Concert, which had emerged fitfully and unsuccessfully in early days of the Revolutionary struggle (as in 1791, under the suggestions of Kaunitz the then Austrian Chancellor) was seriously revived. In such common sympathy and common action of the leading States, it was hoped, security might be found both against the renewal of an all-devouring war and against the ' Red spectre '. Surely a temporary Alliance against Napoleon and ' Jacobinism ' could be expanded into a permanent league, an international court, by which future dangers might be

arbitrated or otherwise averted, and the peace of Europe maintained. The civilized peoples of Christendom were heartily tired of fighting, and somewhat disposed to welcome the idea of a *Confederacy of European Nations*. Might not the eternal ebb-and-flow of national rivalries, successes, and failures thus give way to a *United States of Europe*?

The Tsar went further. Convinced of his heavenly call, first to deliver Christendom from a French tyranny, and then to stablish and settle the ensuing peace, not upon any mere expediency, but upon truth and right, he summoned his allies to a 'Holy Alliance'. The charter of this foundation (in which Alexander expressed his own sincere and lofty piety, and perhaps revealed his imperfect insight into the baser necessities of practical politics) declared a new purpose for the Great Powers, sufficiently startling in its contrast with eighteenth-century thought. The leading States were henceforward to base their policy and intercourse upon 'the sublime truths of the religion of God our Saviour', truths involving the principles of peace, charity, and justice. Christian Rulers were to be as brothers, their subjects as children in one family; discord was to cease; all were to help one another.

This League (which seemed to Metternich just 'verbiage', 'a loud-sounding nothing', and to Castlereagh 'a piece of sublime mysticism and nonsense'), though signed by the Russian, Austrian, and Prussian sovereigns, and sympathetically treated by the Prince Regent of Britain (truly a valuable recruit), was born out of due time. That pillar of order, the Austrian Chancellor, was soon able to pervert it into an agent for opposing the most moderate liberalism, and for establishing the most uncompromising reaction, in every continental country. And within two months of its proclamation (September 26 to November 20, 1815) it was followed by the Quadruple Bond of

Britain, Russia, Austria, and Prussia—continuing the victorious military association into the age of peace. This four-fold engagement, binding these Powers to the continued support of the Bourbons and the lasting exclusion of Napoleon, gave a certain practical shape, and a deceptive hopefulness, to the idea of a perpetual *Concert of Europe*, but undermined from the beginning the foundations of Alexander's nobler schemes.

The reappearance of the Eastern Question in the Greek War (from 1821) was in any case fatal, both to the *Holy Alliance* and to the *European Concert*, in actual politics; but it has yet to be seen whether these conceptions (revived in the later nineteenth century, and especially by the last and most unfortunate of the Tsars) are altogether without use or hope to humanity.

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VIII

INTERNATIONAL TENDENCIES IN THE NINETEENTH CENTURY

F. S. Marvin

To those immersed in the whirlpool of the day it is difficult to realize the relative strength, the ultimate tendency, of the various currents at play around them. When Athens and Sparta were at grips for the supremacy of the Hellenic world, how many contemporaries were reflecting in silence that the real work of the Greeks was the foundation of these city-states then subject to attack, the art of the Parthenon erected by Athens on the spoil of her empire, the body of scientific thought which philosophers had built up in Ionia and the West? When the Emperor Henry was standing in the snow before his enemy's stronghold at Canossa, who would have dreamt that the vision of human unity and the steps taken to achieve it were the greatest service of mediaeval civilization?

So now, in the welter of national passions and the devastation of war from which we have just emerged, it may well seem a fantastic folly to maintain that the growth of internationalism is really the most important feature in the nineteenth and twentieth centuries, and that it is for this, if at all, that later ages will look back to us with special gratitude. Yet such is our contention, and those who have followed the indications of previous chapters may find in recent events abundant evidence that we are living at the crisis of an age-long process of world-unification.

The Great War was in fact necessitated by the demands

of this very process. For Germany stood out, powerful and threatening, against the concert of other nations who were then at least anxious to settle disputed points and advance the civilization of mankind by common action. It appeared inevitable to the great majority of other nations that her claims should be met and defeated by force. If this judgement was right, and few now dispute it, then the millions of lives and the unnumbered millions of material loss are part of the price of international unity as well as of human freedom.

Other features in recent and contemporary history are prominent enough. It has been an age of nationalism, of democracy, and conspicuously of science and mechanical invention. To the Englishman the extension of the British Empire might well seem the leading characteristic of the period. But we shall see as we proceed that all these movements in thought and action have an intimate connexion with the international spirit, are in fact inseparable from it. Take first the principle of nationality. Those who, like Professor Ramsay Muir, have studied the question historically in recent times, see clearly that nationalism and internationalism, though they seem at first sight naturally opposed, yet in their evolution, and in their ideal, march side by side. The French Revolution, that smelting-furnace from which the molten streams pour out to take their form in the last century, well illustrates this connexion. No more fiery nationalism was ever seen than in those raw recruits who stopped the reactionary Allies at Valmy; no more fervent internationalism than the ideas of Condorcet and many more of the leaders both before the Revolution and in the Convention itself. Some light on this apparent contradiction may come later on. The first stage is to survey the ground as a whole.

To a first superficial view the world has become mar-

vellously one since the Industrial Revolution of the Eighteenth Century. It is linked up mechanically by steam and electricity in a way in which no single state was united before. Ships go round the world in less time and with less sense of adventure than the Phoenicians must have felt in their journeys to the Cassiterides in search of tin. Hundreds of thousands have performed the voyage for which we commemorate a few adventurers of only four hundred years ago as immortal heroes. And in our own time human footsteps have traversed nearly all the hitherto inaccessible spots upon the globe. Man has made the earth his own, and knows it now as his home and as a whole. Still more pervasive than his actual travel is the almost instantaneous transmission of thought by electric waves. We know the thoughts and actions of our fellows on the other side of the planet as soon as they occur, even if we do not always share them, or if their actions are sometimes hostile. Nor is this rapid communication merely superficial. It has carried with it a marked unifying or levelling influence which has reduced enormously the number of different languages which mankind now employ, has made their dress more and more alike, has killed many of their peculiar customs and spread those, not always the best, which are most capable of transportation. One might no doubt read the same scandals in the newspapers and see the same staring pictures at the cinemas in China and Peru. The contemplation of the millions thus incorporated on the globe gives something of the same impression as the movements of a vast and orderly crowd pouring through the streets in a modern city. They are brought together by external and mechanical means, they have many points of likeness, they are largely indifferent, though not hostile, to one another ; there is the potentiality, but not necessarily the vital spirit, of unity within them.

Our quest would not prove very fruitful if we were compelled to stop here. But the same recent period of history which has performed these marvels of mechanical unification has also added many more deeply formative elements to the process. We may trace these in the political, the economic, the social, the educational, the scientific, and the religious spheres. Without the mechanical agents they could hardly have come into being as we know them ; with their joint action we may expect a progressive movement which will make the world a real as well as a formal unity.

Consider the political changes which will throw some light on the apparent opposition of nationalism and internationalism which we noticed above. The British Empire is in this matter no bad example of the whole. Its growth and its development on its present lines are coincident with the sequel of the Industrial Revolution. It was just at the time when the steam-engine was beginning its work of transformation, that we learnt our first great lesson, in unity combined with freedom, from the War of American Independence. That war made the Empire as we know it, and has never been forgotten. From that time onwards the Empire has expanded continuously, not as a mechanical, still less as an arbitrarily directed whole, but as a free unity, sufficient and self-governed in its parts, clinging together from sentiments of affection, of common loyalty, and common traditions. One might follow the working of the same principles in other nations and in other parts of the world. Sometimes, as in the Americas, one sees the germs of a new free union, a Pan-American Conference, sometimes, as to-day in the Balkans and the Middle East, new and disparate fragments which must gravitate together by the force of common interests. Broadly speaking, the last hundred years have seen the birth of new nations all over the world, practically if not

theoretically independent, but gradually falling into alliances of various kinds for their mutual convenience. And though we have treated the British Empire rather as the model of such relationships, it is the relationships of all nations, irrespective of race, which specially concern our argument.

When we reflect a little, the apparent contradiction between the nation and the world which meets us all through the period, resolves itself into one of the many reconciliations and compromises which human evolution necessitates at every turn. The individual cannot thrive or survive without a large provision of self-regarding instincts and efforts which must yet somehow be reconciled with the service and interests of others. So with communities. They demand, nay, they consist of, a more intense attachment between their members than exists between these members and those of other communities. Men prefer, in a dim, unconscious way, the land and scenes of their birth and life, and this may be enlightened by a consciousness of the worth and services of those who have preceded them upon it. It is intensified by our greater sympathy and affection for those best known. So communities of men are formed, and, naturally and rightly, they struggle for the complete management of their own affairs. But at the same time the progress of thought and the development of man's activities on the globe are constantly bringing these communities into closer relations with others and with the whole. Hence the problem, strictly parallel to that of individual selfishness and altruism, of reconciling the claims and spheres of national independence and international unity, both being in some form essential. We are, it would seem, for reasons alluded to in earlier chapters, at a maximum point in both these movements. But conditions vary so widely—no two human cases ever being exactly similar—

that it is necessary here to speak only in general terms and to submit, with some confidence, two general conclusions about contemporary facts in this matter. One is that we are witnessing a great general advance in nation-making, though various nations are at various stages in the process; the other that the network of international relations has been drawn to the closest texture yet reached in history, and that in spite of the war the pace of growing union is still quickening.

This greatest extension of international relations is the sequel of the linking up of the world by steam and electricity. Since the middle of the nineteenth century when railways became general, some thirty different agreements have been made between Western states on matters of common interest, not strictly political.[1] The subjects were postage, telegraphs, navigation, copyrights, insurance, sanitation, fisheries, prisons, criminal extradition, the slave trade, the liquor traffic. It will be noticed that these are mostly matters of business and convenience such as bring private citizens together within the state, while, as time has gone on, states have turned their attention more and more frequently to humanitarian concerns. It must occur, too, to the thoughtful critic that this process, now going on between states, is similar to that which went on formerly between individuals, transforming gradually relations of war between individual enemies or between castles and towns into normal relations of peaceful business.

But these commercial and humanitarian agreements are only one side of the picture. There has been a corresponding widening and tightening of political relations. Between the Congress of Vienna in 1815 and the Paris Conference of 1919 the survey of world-affairs by the leading nations was extended to the ends of the earth.

[1] See *Century of Hope*, p. 321.

The magnitude of the field thus brought under review entailed inevitably far more subjects of possible difference. The Treaty of Paris which followed the Crimean war is a useful middle point. At that Conference the affairs of Turkey and the nearer East came for the first time under the review of the assembled European Powers. At Vienna they were left deliberately alone. At the last Conference, which succeeded the Great War, questions affecting all continents and every nation were discussed, and a League of Nations inserted as the first section of the Treaty. It was the logical outcome of the historical evolution of the West, led up to by countless approximations to a world-agreement, and by countless failures and calamities due to a want of such agreement. The approximations include, beside the matters mentioned above, an increasing number of special arbitrations crowned by general treaties of arbitration between Great Britain, France, and the United States just before and during the Great War. There were isolated cases of arbitration of much earlier date, for such an obvious means of settling a difference could hardly have escaped notice even in the Dark Ages. But the modern series really begins, like so many other modern things, after the War of Independence and the French Revolution. In 1794 England and the United States appointed a mixed commission to settle their boundaries. And this, the first, must have the praise of being one of the most successful examples of arbitration, for the line which they drew across the continent, to be protected by no rival forts, has been violated by no hostile forces. During the nineteenth century the rate of appeal to arbitration increased by long strides. From 1820 to 1840 there were eight cases, from 1840 to 1860 there were thirty, from 1860 to 1880 there were forty-two, from 1880 to 1900, ninety. At the end of the century, in 1899, on the motion of the Czar of Russia, a permanent tribunal

was established at the Hague, which is the prototype of that provided by the Covenant of the League, that part of the League organization, be it noted, to which the United States have given their practical support.

We have already noticed the part which economic necessities have played in inducing political intercourse and agreements. We may see them active in our own day. The idealist tells us that our higher nature demands the unity of mankind. Stern necessity warns us that we need an interchange of products to live at all. The two motives should be encouraged to run a beneficial race. Historically, the economic has often taken the lead of the ideal. Cobden's commercial treaty with France in 1860 preceded the general entente by many years. In Germany the union of the Empire was based upon the union of the Zollverein. The international banking interests of the world are a strong check on war. They form perhaps the firmest international link of all pending the enlightenment of the sentiment of brotherhood by science and history.

How far this network of finance was extended before the war, and how contrary to its interests and instinct any breach of the peace would be, were well explained by Mr. Norman Angell in his books on the Great Illusion. Where he, in common with so many more of us, was misled was in thinking that the certainty of disaster, if war took place, would be a sufficient guarantee against it, if other causes were present. Strong as the preventive motives were, they did not suffice in 1914, and they will not suffice on another occasion unless we deliberately strengthen the spiritual as well as the material forces.

The spiritual forces which make for peace are by nature less easy to measure or appreciate than those which take the form of trade or traffic, agreements or political institutions. But they are no less real, and also show an advance

in the direction of internationalism. The analysis is, however, more difficult, the workings less predictable. The fundamental fact on the spiritual side is the existence of a general sentiment of brotherhood among mankind. This is, so to speak, the raw material which science and a knowledge of history may work up into an efficient force for the guidance of the race. It is essential for the growth of the social soul, just as hunger is the natural motive for the feeding of the body. But the mere blind instinct of hunger or of sympathy is not enough; we need to know the right sort of food to turn to, the right method of preparing it, the science in fact of spiritual as of physical diet. That the instinct itself grows with civilization, and has grown markedly in recent times, there can be no doubt. We have witnessed a process closely analogous to that which led in the ancient world from the orthodox Hellenism of Plato and Aristotle to the Stoicism of the two centuries before and after Christ. Just as the city-states of the sixth and fifth centuries B.C., bitterly jealous one of another and contemptuous of the barbarian world outside, gave way gradually to a belief that all mankind were brothers and the Inhabited World was one, so from the warring states of the fifteenth century there arose, about the time of the French Revolution, a humanitarian passion which could find plenty of precedents in Christianity and other doctrines of the past, but had never been held or professed with so much simple faith and passion as by those to whom the 'Rights of Man' became a gospel. This passion has not disappeared. We may see it spreading in countless organizations throughout the world, cherished and proclaimed by millions who deplore the perversity of events, the apparent ineffectiveness of their faith. Germany before the war and Russia since appear to be conspicuous cases. In each of them a general and quite genuine humani-

tarianism among the masses failed at the critical moment to make itself effective, partly because the sentiment was unenlightened by sufficient knowledge, partly because their institutions did not express their real mind, and feeling was thus divorced from power. There is another danger which besets the humanitarianism of to-day, and from which Stoicism seems to have been free. That is the tendency to form horizontal rather than vertical social barriers, to find one's friends abroad, which is good, at the expense of making enemies among other classes at home, which is evil. It is a danger which modern communications bring nearer to us. It can only be met by a determination to get right at home as a necessary condition to healthy activity abroad. International co-operation must be built on integral and stable nations; class unions between nations mean class wars.

One would suppose that, with these grave issues in the balance, the modern state would have applied itself in earnest to educating its citizens in the double aspect and the double duty of nationhood. It is clearly of the first moment that they should realize that the society to which they belong must be united to be efficient, and that, when united within, its highest function is to serve the common interests of all nations, to be an active member of humanity. Such teaching being independent of any disputed religious tenets, falls well within the scope of the state system which has assumed this function in all Western countries within the period of this chapter. Yet hitherto the state schools have done little directly to further either social union within the nation, or international amity without. There are many causes which it would be hardly relevant to discuss here. Perhaps the chief one is that the ideal which we have been sketching of a society of free nations co-operating harmoniously has not hitherto reached a sufficiently definite shape, has

raised too many difficult and burning questions, to be taught as a fact or as a policy. With the establishment of the League of Nations this is changed. The League, as part of the Law of Nations, may be taught either as history or as civics or as law, and it will not be surprising if the teaching of it gives more life and breadth to any subject to which it is attached. In the case both of history and of civics its introduction would shed a flood of light on the earlier stages of the matter taught.

But the policy of Schools for All, adopted by civilized countries within the last hundred years, has not been without effect on international relations, though the specific results are difficult to estimate. Some would maintain that the definite result is, on the whole, chauvinistic. This is probably the case in a country like Germany before the war where teachers and scholars were systematically tuned up to a worship of the state. It is far less certainly the case in France or England or the United States, where the faults have been rather on the side of omission than of commission. In so far as our teaching has enlightened the scholar to the fact that there are other countries, with millions of people living much the same lives, and with much the same difficulties and desires as ourselves, so far we are laying the foundation for international friendship. And this aspect of teaching has not been wholly wanting.

In the higher grades of teaching and of study, especially the study of science, a nearer approach is necessarily made to unity of spirit, for here we are in a region where differences, national or any other, are simply irrelevant. As the nineteenth century is pre-eminently the century of science, it is on this aspect of its evolution that we may most safely base our hopes.

Steadily, throughout the century, the links of science were being forged, not only in those mechanical applica-

tions which we have noticed, but in the purely intellectual sphere, which philosophy has taught us to regard both as the highest goal and the surest safeguard of our humanity. The unexampled growth of scientific material and scientific truth in the period is in itself eloquent of community of thought, for in no single branch of science can you find a great advance made only by the workers of one nation. The coincidence of thought, especially at critical moments of discovery between independent thinkers in different lands, is one of the striking proofs of human unity. But beyond this the evolution of science led in the century before the war to common organizations between nations both for the promotion of research and for the discussion of applications of results, in medicine, in sanitation, in the protection of labour, in education. There were hundreds of such conferences, scores of such permanent organizations based on the community of science. No one imagines that these will stop, though temporary breaches have been made in some of them.

There is one aspect of scientific research which is specially calculated to evoke the spirit of community among men, that is the study of the history of science. Among the living there is always the risk of jealousy, the striving for priority. Even some of the noblest names on the roll of knowledge have not been exempt. But when in tracing the earlier stages of discovery, we meet some great figure of another nation, all envy is stilled ; all men bow down unhesitatingly to the benefactor of the whole race. Such is the universal attitude to a Galileo, a Newton, a Descartes, a Helmholtz. Nor is the feeling limited to the individual great. In building up the structure of knowledge all nations and ages have borne their share according to the opportunities and civilization of the times. The ancient priests of Egypt and Babylonia, the Greeks, the Romans, the Indians, the Arabs, all pre-

pared the way for the moderns, and modern nations, with their individual differences, have all entered into it. The number of discoveries may be small, the range of appreciation of their work may, with the present defects in our education, be limited, but within the field the unity is more perfect than in any other department of human life. Hence its great importance for our present purpose ; hence also the special interest in noting that the study of the history of science is almost entirely a product of the nineteenth century. History had a childhood in the fables and personal anecdotes of the annalists ; an adolescence in the narration of the conflicts of states and the birth of nations. It comes to maturity only in the nineteenth century, when the laws of social evolution as a whole begin to be apprehended, and it is seen that the growth of mind is at the root of all. It would take us too far afield to trace the reactions of the same spirit in literature, in art, and in religion, though much might be found and the quest is alluring. The Poet Laureate's ' Spirit of Man ', early in the war, was a *beau geste*, and it does not stand alone. But in the sphere of religion there are two recent developments which fit in so aptly with what has gone before that they cannot be passed over without a word of notice. The first is in practice and the second in theory.

Recent years have witnessed a remarkable approximation among the churches, and a spread of religious organizations with a somewhat slender doctrinal basis over several countries and large numbers of men. Congresses and the League of Religion, Adult Schools and the Student Christian Movement, are cases in point. These are all symptoms of a new humanitarianism, a passion for service, a conviction that the common elements in feeling far outweigh formal differences of doctrine or organization. A new sentiment of simple brotherhood

or kinship has invaded the old forms of Christian belief and revived their spirit. It is a work not unlike that of the Franciscans in the thirteenth century with two capital differences ; these new organizations are not under one supreme and absolute direction as the friars were under the Pope ; and they aim at transforming the work and spirit of their members without segregating them from their fellow men.

The other new development, in religious theory, arises from the new impulse in all science to seek for origins, and the more we seek for them the more we arrive at community of thought. The old orthodox view in all religions traced their genesis in each case back to some special revelation which made that religion and its votaries separate and superior to the rest of mankind. Going back historically we find that each has arisen from a concretion of various elements, but with common features throughout the world. The complexity increases but the separateness and superior sanctity disappear, for the anthropologist reveals to us something in all religions which is regarded as sacred and has a social use. So regarded, religion becomes the common link in early human societies, the bond which they first recognize as rising above animal affection or the necessities of daily life. The task of modern thought is to maintain and reinterpret these essential elements in the light of all that man has since added to the conception of the sacred, and in the service of all that man now understands by social duty. The values are transformed and enhanced, the area of their application is enlarged, to embrace mankind.

IX

THE LEAGUE IN BEING

FREDERICK WHELEN

THE Covenant of the League of Nations is a direct result of the fact that the Armistice of 1918 and the subsequent terms of peace were based on Notes exchanged between President Wilson and the German Government.

The President's Final Note of November 5, 1918, stated that the Allied Governments agreed to make peace with the Government of Germany on the terms laid down in his 'Address to Congress of January 8, 1918, and the principles of settlement enunciated in his subsequent Addresses'.

The Address of January 8 included the famous Fourteen Points. It will be remembered that the Fourteenth Point was that 'A general association of nations must be formed under specific Covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small States alike'. One of the duties of the Peace Conference in Paris was consequently to prepare a scheme for a League of Nations, and a Commission, the largest of all the Commissions in connexion with the Peace Conference, was appointed for the purpose. Its nineteen members were Mr. Wilson and Mr. E. M. House of U.S.A., Lord Robert Cecil and General Smuts of the British Empire, M. Léon Bourgeois and M. Larnaude of France, M. Orlando and M. Scialoja of Italy, Baron Makino and Viscount Chinda of Japan, M. Paul Hymans of Belgium, M. Pessoa of Brazil, Dr. Wellington Koo of China, M. Reis of Portugal,

M. Vesnitch of Serbia, M. Venizelos of Greece, M. Dmowski of Poland, M. Diamandy of Rumania, and M. Kramar of Czecho-Slovakia.

A number of plans had been unofficially drawn up, notably, the detailed scheme of General Smuts, the proposals of the American ' League to Enforce Peace ', the draft Treaty prepared by a Committee of the Fabian Society, the scheme prepared at The Hague by the ' Organisation centrale pour une Paix durable ', and the Draft Convention prepared by an English Committee, under the chairmanship of Lord Phillimore, appointed by the Foreign Office. Based largely on this preliminary work, two draft schemes prepared by the British and American Delegations were considered in detail, and after ten days' concentrated work the Commission submitted the first Draft of the Covenant to a Plenary Sitting of the Peace Conference on February 14, 1919. The Covenant was then published and subjected to close re-examination, and a number of amendments, some of them at the suggestion of neutral governments, were adopted. The revised draft was then submitted to a second Plenary Sitting and unanimously adopted by the representatives of the Allied and Associated Powers on April 28, 1919, when the draft of the revised Covenant was finally adopted for inclusion in the text of the Peace Treaties.

There was at Paris a disposition among many of the Delegates to postpone the final settlement of the Covenant until the Treaties had first been concluded. The newly formed ' Institute of International Affairs ', in the first volume of its *History of the Peace Conference*, pertinently remarks: ' So many vested interests were challenged by the League, and so many new forces had been liberated in Europe, which were antagonistic to it, that unless the League had been made a part of the peace, it might have been postponed for a generation.'

It is due to the insistence of President Wilson and a few other persistent advocates that the Covenant was not shelved, but became an inherent part of the Peace Settlement, and was incorporated, not only as Part I of the Treaty of Versailles, but also as Part I of the four subsequent Peace Treaties with Austria, Hungary, Bulgaria, and Turkey.

The Covenant did not actually come into operation until January 10, 1920, the day on which peace was at last finally declared between the Principal Allied Powers and Germany by the formal ratification of the Treaty of Versailles. That date may, in the words of M. Leon Bourgeois at the first Meeting of the Council of the League, ' go down to history as the date of the birth of the new world '.

It has now been in operation for twelve months. Its twenty-six Articles together with the forty-one Articles of the Labour Section are now international law, accepted as such by the Governments of forty-eight States.

For the first ten months its functions were carried out by the Council and the Secretariat. Then for five weeks in November and December the Assembly of the League met. That meeting was the great test, the great experiment. Would the assembled nations be able to work together for the appeasement of the world, for the reconciliation of the nations, for the coming together of the peoples of the world ? The answer may be given in the words of M. Paul Hymans, in his closing speech as President of the Assembly on December 18, 1920. ' It was said five weeks ago, at the opening of this Session, that we were making a great experiment. To-day I think I can say that the experiment has succeeded. The League of Nations has found itself ; it works ; it acts ; it lives ; and it has the will to live.'

To be fully effective, however, the League must represent

all the nations. As M. Motta, the President of the Swiss Confederation, said in his address of welcome at the opening of the Assembly, 'The more universal the League of Nations becomes, the more its authority and impartiality will be guaranteed.' Although there remain certain great States outside its ranks, growth has already been rapid. The first article of the Covenant deals with Membership, and under its provisions the States are divided into three classes, those qualified to be Original Members, those qualified to be elected Members, and those not yet qualified for membership, because they are not yet 'fully self-governing'. Original Membership is limited, firstly, to any of the thirty-two States who had either been at war with or had broken off relations with any of the ex-enemy States, and secondly, to any of the thirteen neutral States mentioned in an Annex to the Covenant who expressed their wish to join within two months of the coming into force of the Covenant. Twenty-nine States have ratified one or other of the Treaties and have thus become Original Members. Three have not yet done so, the United States of America, Ecuador, and the Hedjaz. The thirteen named neutral States have all joined. This is a notable fact. It has ceased to be a League of Victors. It is in process of becoming a League of the World.

All other members of the League will be elected Members under the conditions of election clearly set forth in Article 1. States applying for election must be fully self-governing, must give guarantees that they will carry out their treaty obligations, must accept the regulations laid down by the League regarding their military, naval, and air forces and armaments, and must secure the votes of two-thirds of the existing Members of the League. Under this article no less than seventeen States applied to the Assembly for election, including nearly all the new States which have come into being since the end

of the war and two of the former enemy states. Of the seventeen, six were elected, Luxembourg, Costa Rica, Finland, Albania, Austria, and Bulgaria. It is inspiring to record that Austria and Bulgaria were elected by unanimity, and a great step was thus taken towards the reconciliation of the nations. The League membership to-day therefore covers a great part of Europe, the chief States of Asia, Canada in North America, all Central America, all South America except Ecuador, all Australasia, and all Africa, except such States as Abyssinia and Morocco, which, not yet being ' fully self-governing ', are not qualified. The League therefore already represents a population of over 1,100,000,000, or more than three-quarters of the population of the earth.

Its chief constitutional organs are the Assembly, the Council, the Permanent Court of International Justice, and the permanent Secretariat.

The Assembly and the Council may deal at their meetings ' with any matter within the sphere of action of the League or affecting the peace of the world '. It is impossible in these early days of the League's history to define with any precision the respective competence of these two bodies. The Council is in a sense the League's Executive Committee, a small body of eight members, appointed by the British Empire, France, Italy, and Japan, and by four other States selected by the Assembly at its discretion, these four States being at present, by a decision of the Assembly made last December, Belgium, Brazil, China, and Spain. Should the United States of America join the League it will also have the right of appointment of a member on the Council.

The Assembly is the general gathering of all the States in the League, each State having one vote and the right to appoint three representatives.

It may be said therefore that the Council represents

the actual distribution of the organized political power of the world, whereas the Assembly represents the principle of the equal sovereignty of all sovereign states.

The permanent Secretariat, the link between these two bodies, is permanently located at Geneva, now the headquarters of the activities of the League.

The Secretary-General is an Englishman, Sir Eric Drummond ; the Deputy Secretary-General is a Frenchman, M. Jean Monnet ; the two Under Secretaries are Comm. D. Anzilotti, an Italian, and Dr. I. Nitobe, a Japanese. The other leading members of the permanent Staff, which is drawn from eighteen separate nationalities, are Sir Herbert Ames of Canada (Finance), Professor B. D. Attolico of Italy (Transit), M. E. A. Colban of Norway (Minority Questions), M. Pierre Comert of France (Information), Mr. W. T. Layton of Great Britain (Economic), M. P. J. Mantoux of France (Political), and Dr. G. Van Hamel of Holland (Legal).

The Permanent Court of International Justice was not constituted by the Covenant, but under Article 14 it was definitely laid down that the Council should formulate plans for the establishment of such a Court, ' competent to hear and determine any dispute of an international character which the parties thereto submit to it '. This duty was promptly undertaken. It was the first item on the agenda of the first business meeting of the Council, held in London in February 1920. Ten distinguished lawyers, from ten countries, including, it is interesting to note, Mr. Elihu Root of the United States, were appointed to draft the Constitution. They met at the Peace Palace at The Hague, and after five weeks' work completed the draft. This was then considered by the Council at a special meeting in Paris. Then the draft of the lawyers, amended by the Council, came before the Assembly.

Then the Assembly referred it to a special Committee under the Chairmanship of M. Leon Bourgeois. After prolonged discussion the special Committee referred it to a special sub-Committee of ten lawyers, five of whom had been on the original Hague Committee, with five others who were also present as Delegates at the Assembly. Then the amended draft was again discussed by the whole Assembly, and finally, at 7 p.m. on Monday, December 13, 1920, a date which will become historic, the great decision was taken. The Assembly unanimously declared its approval, and M. Paul Hymans, the President, announced: 'By a solemn and unanimous decision the Statute of the International Court of Justice is now set up. We have accomplished a grand work.' Thus a reform, 'long desired, passionately sought after', to use Mr. Balfour's words in the House of Commons, was realized in the first year of the life of the League of Nations.

The League thus constituted has two main purposes, the promotion of international co-operation and the achievement of international peace and security.

From the stress and the emotions of the war the League was born, and it is natural therefore that the Articles 8 to 17 of the Covenant on the prevention of war, and Articles 18 to 21 on Treaties and Understandings, should seem the most important of its provisions. They comprise, as clearly indicated in the Official Commentary issued on the day of the League's birth:

1. Limitation of armaments.
2. A mutual guarantee of territory and independence.
3. An admission that any circumstance which threatens international peace is an international interest.
4. An agreement not to go to war till a peaceful settlement of a dispute has been tried.
5. Machinery for securing a peaceful settlement, with provision for publicity.

6. The sanctions to be employed to punish a breach of the agreement.

7. Similar provisions for settling disputes where States not members of the League are concerned.

8. The publication of Treaties and, in certain events, their reconsideration.

The Covenant does not prohibit war or anywhere state that war must never occur. But if its provisions, incorporated as they are in all the five Treaties of Peace, accepted already by forty-eight States, are faithfully observed, war should be gradually eliminated as a method of dealing with international disputes. Put briefly, the articles dealing with war impose on States having disputes the three principles, delay, publicity, conciliation.

Already, in the League's first year, these articles have had their effect. To take one example only, the League's intervention between Finland and Sweden concerning the dispute on the Aaland Islands. The situation can be briefly stated. Finland has severed its connexion with Russia and is now recognized by the European States as an independent Republic. In the Gulf of Bothnia, between Sweden and Finland, is a group of islands, known as the Aaland Islands. Finland claims them as part of her territory. The islanders claim the right of self-determination and have declared their wish to join Sweden, of which kingdom generations ago they were an outlying portion. Early in 1920, two of the islanders were appointed as a Deputation to interview the Swedish Parliament and Prime Minister. When they returned, to report on a successful mission, they were arrested and imprisoned at Abo in Finland, by order of the Finnish authorities. Sweden asked for explanations, and, dissatisfied with the answer, withdrew her Ambassador from Finland. The Finns next sent a machine gun corps and other soldiers to the Islands. A breach between the two

countries seemed imminent. Here was obviously a case for the League of Nations. The eleventh article empowers any member of the League to bring to the attention of the League any danger of the outbreak of war. One of the members, Great Britain, did so. At once, the Secretary-General, Sir Eric Drummond, communicated with the two countries, with Sweden, already a member of the League, and with Finland, which had already sent in an application for election. And in consequence a great and encouraging event took place last July. A special meeting of the Council of the League was held at St. James's Palace, London. Not only were the eight members of the Council present, but facing each other, at either side of the Council table, were the Prime Minister of Sweden and an Ambassador of Finland. Their dispute was under public discussion in the presence of the Council of the League of Nations. There has been no war. The three principles of the Covenant dealing with disputes between States, delay, publicity, conciliation, have had their effect.

Important as are these articles on disputes, treaties, and international understandings, it may well prove that the remaining articles of the Covenant, those dealing with the peace-time activities of the League, may prove potent against war as well as beneficial for peace. In these days of tragic disappointment, of world-wide unrest and misgiving, they may well prove the hope of the world. They need the support of people of goodwill in all nations. Thus Article 22, which applies to the inhabitants of Germany's former colonies and the former territories of Turkey ' the principle that the well-being and development of such peoples form a sacred trust of civilization ', may prove the opening of a new era in the relations of the backward peoples with the more advanced nations of the world. And Article 23 with its six

clauses dealing with the social activities of the League—Labour; just treatment of natives; traffic in women and children, and the traffic in opium and other dangerous drugs; supervision of the trade in arms and ammunition; freedom of communications and transit; and the prevention and control of disease—presents incalculable opportunities of peaceful international co-operation. The preliminary steps in nearly all these matters have been taken. Four technical organizations have already been formed. The first to be formed of these is the Labour Organization, referred to in Article 23. It is established under the regulations laid down in Part XIII of the Treaty of Versailles, of which the opening words are: 'Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice.' The forty-one Articles which follow form the Labour Covenant of the League. Under their provisions an Annual Conference is to be held, dealing with Labour questions, to be composed of 'four Representatives of each of the Members, of whom two shall be Government Delegates and the two others shall be Delegates representing respectively the employers and the workpeople of each of the members'. At the first of these Conferences held at Washington in 1919, six Draft Conventions were passed. They dealt with (1) the limitation of the hours of work in industrial undertakings to eight in the day and forty-eight in the week, (2) unemployment, (3) the employment of women before and after childbirth, (4) employment of women during the night, (5) the minimum age for the admission of children to industrial employment, and (6) the night work of young persons employed in industry. Each Member of the League undertakes under the Labour Covenant, within one year, or, in exceptional circumstances, within eighteen months, to bring the Draft

Convention ' before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action '. Present indications show that most of the League states will ratify most of the Conventions ; one country, Greece, in fact, has already ratified them all. But it is in the competence of each State in the League to accept them or reject them. The public opinion of the peoples of each country may prove the determining factor. It is essential therefore that behind the Labour decisions of the League there should operate unceasingly the organized public opinion of the peoples.

The Second Annual Conference was held at Genoa in 1920, and dealt with Labour questions concerning workers upon the sea. A third, to be held in the autumn of 1921, will deal with workers upon the land.

The other technical organizations of the League were constituted by Resolutions carried at the Assembly in December. Of urgent importance is the ' Advisory Economic and Financial Committee ', whose immediate work is to carry out the recommendations of the Brussels Financial Conference, and especially to bring into operation the scheme for International Credits suggested by Mr. Ter Meulen, a Dutch banker, and adopted by the Council and the Assembly.

Not less urgent is the work of the ' Organization for Communications and Transit '. By the Treaty of Versailles a General Convention is to be concluded regarding the international régime of transit, waterways, ports, and railways. The whole or part of the river systems of the Elbe, the Oder, the Niemen, and the Danube are now internationalized, and innumerable cross-frontier problems arise in consequence of the formation of new States, complicated in some cases by their landlocked nature.

These problems were considered by an International

Transit Conference of the League of Nations held at Barcelona in March 1921, under the chairmanship of M. Gabriel Hanotaux. 'We cannot sell with success in places to which we cannot transport.' These words from President Harding's recent message to the American people, have been adopted by M. Hanotaux as a watchword for the labours of the Conference.

The Health Organization of the League is also established. This is mainly based on Article 23 (*f*) of the Covenant, which states that the Members of the League 'will endeavour to take steps in matters of international concern for the prevention and control of disease', and on Article 25, in which reference is made to the 'improvement of health, the prevention of disease, and the mitigation of suffering throughout the world'. The chief functions of the Organization will be to advise the League in matters affecting health, to organize interchange of information, to promote international administrative action, and to confer and co-operate with International Red Cross Societies and other similar societies. This section of the League's work will probably prove one of the most fruitful in the services the League may render to mankind. It will do much to enable the peoples to understand the value of friendly co-operation. Dr. Nansen referred to this aspect of the League's work in the debate at the Assembly on Poland and the typhus problem, when he said, 'I think there is no better way of strengthening the position of the League in the minds of all people than work of a humanitarian nature which goes down to all classes of all peoples, so that every man in all the nations will understand what a great boon it is to have a League ready to take up problems of this kind.'

The first twelve months of the life of the League has inevitably been one of intensive organization. The foundations have been laid. The structure to be built

on them will depend on the co-operation of the governments and the peoples. In a famous phrase, 'What we seek is the reign of law, based upon the consent of the governed and sustained by the organized opinion of mankind.'

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X

AN APOLOGY FOR A WORLD UTOPIA[1]

H. G. Wells

What is the Utopian method? It is nothing more nor less than the method of planning. What is a Utopia? It is a first sketch plan of a prepared replacement or change in human institutions. If a man is going to build a house the first thing he does is to make a sketch plan of the house he is going to build; if a factory has to be schemed or a ship designed, the most practical sorts of men do exactly what the Utopian does, they begin by making a vision of the thing they require.

We find a constant use of the word Utopian in contrast to the word practical. There is a certain type of man who, when you talk about a Utopia, leans back at once prepared to smile. Part of that smiling, if I may say so, is sheer stupidity; it is due to the inability to conceive such a thing as change. In my time I have seen people smiling at the possibility of automobiles, at the possibility of submarines, at the possibility of people ever flying. But there is also another reason in addition to the general inability to imagine change at all why Utopias are regarded as impracticable. It is because they have been so frequently presented as impracticable propositions. They have been dressed about with fantastic details. The meaning of the word Utopia is 'Nowhere'. Another is the 'New Atlantis', and there has been a general tendency to represent the states as occurring in some distant island, or some remote part of the earth.

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Why is that ? The reason is not far to seek. Technically every Utopia is a treason to the thing that is. It is also usually a slight to the people who are. Every Utopian says in effect : Let us scrap these institutions, let us get a new spirit and a new sort of people going. That is a thing always rather offensive to say and sometimes it is a dangerous thing to say. So the writers of Utopias have had to mitigate the offence and escape the danger by pretending that the thing they mean, and mean most seriously, they do not mean at all ; and that they are going to tell you a ' leedle story—just a harmless leedle story ' about an island far away, about a republic in the air.

But that is no longer possible, for a reason I shall return to later. Utopias have now become worldwide. They are no longer new plans for single states and countries, they are plans for a whole new world. For example, I am going to talk, as a serious and practicable project, of the World State as the world sovereign. And that is a proposal to over-ride the sovereignty of the King-Emperor ; it is a proposal to over-ride the constitution of the United States of America ; it is a proposal to make France and Italy provinces in a great state. It is, I believe, technically a treason and a serious contravention of D. O. R. A. Nevertheless, I am going to do that frankly, and I take any legal consequences that may arise. Utopia has to be getting to business in international affairs ; it has to take off its fancy dress and speak quite plainly.

I have already mentioned those opponents of Utopia who oppose it out of sheer inability to imagine change. Those people make the massive obstruction to Utopianism, but they are the inarticulate opponents. The declared opposition has to state its excuses. They fall into two classes. Firstly, among the anti-Utopians, there

are the fatalists who tell us it is no good troubling about the thing we want because we are all under the sway of necessity, which will give us the thing that has to be.

Secondly, there are the people of short views who declare that immediate needs are too urgent for them to attend to any comprehensive scheme for the whole.

Let me deal for a moment with the antagonism of the fatalist. He does not believe in any imaginative effort in human affairs because he does not believe in the effective will of man. He is typically a man impressed by the prestige of science. He has made a muddle in his mind of the words scientific and exact and rigid. He believes that to be scientific is to be inhuman. There is, he admits, change, but it is a fated change, beyond our wills. We are all like those people who drive about such show towns as Washington in what are called 'seeing Washington' cars. They pay their money and the car people do the rest. They have no voice in the route. Well, according to the pseudo-scientific people we are driving through the universe in much the same fashion. We have as little control. The driver is stone deaf and out of reach so that we cannot even prod him with our umbrellas.

The history of socialistic thought will serve very conveniently to display this contrast of the fatalist with the Utopian. Early socialism was entirely Utopian. The earliest socialists from Plato to Robert Owen were Utopians. They planned an imaginary world, and sought to shape this world to fit it. You will find that the earlier socialists made their appeal to all sorts and conditions of men, and they made it always as an appeal to the creative impulse in men. This world, they say in effect in their Utopias, is good for many people, but if we do so and so we could make it better for all. The Utopian socialist has never been hostile to any particular

class or the advocate of any particular class. He has noticed in rulers and prosperous people a frequent disposition to build palaces, and to make great gardens and the like. He recognizes in that something akin to his own creative impulses. He has not sought so much to curb or cripple leaders of men, and enterprising and able men, as to touch them to greater generosity, so that they can build a palatial state for every one and make a garden of the whole earth.

This is the socialism of Plato, this is the socialism of Owen—a creative, constructive, co-operative effort is the original and proper meaning of socialism.

But in the middle nineteenth century arose Karl Marx and Engels with a new and fatalistic version of socialism, hard and inflexible in thought and bitter in spirit, presented in a strange and impressive jargon, and professing to be profoundly scientific. It is based on what is called the materialistic conception of history. Conditions make men, and men cannot control their conditions ; men are the slaves of the thing. This fatalistic socialism of Marx is the dominant socialism of Europe to-day. It is easily accepted because it appeals to our common human weaknesses of mistrust and hatred. Every class in the community is at once the creator of its conditions. Scarcely any member of any class can rise above the prejudices and interests of the class to which he belongs. All classes are selfish and self-seeking. Therefore, argues the Marxist, there can be no justice or fairness or happiness for the great mass of mankind until government and ownership by the great mass of mankind, that is to say by the ordinary workers, becomes possible. So he came to the rigid dogma of the class war which overshadows all human affairs to-day. The interests of all other classes were at war with the interests of the labour class. There was no way to the happiness of the working class therefore but

a class war—and the overthrow of all other classes. The logical outcome of this class war teaching was, of course, revolution and an attempt at government by mass meetings of the entire working-class population; but since this was manifestly impracticable, the Marxists fell back upon a strange and wonderful phrase—the Dictatorship of the Class-conscious Proletariat, and interpreted that as the seizure of all the power and property of the community by self-appointed representatives of the labour mass. But clearly, directly such representatives seize power they cease to belong to the general working mass, they become a special class, with, by this hypothesis, interests incompatible with those of the general mass.

The Marxist has never been able to get over this flaw in his doctrine; he has never got over it in his theoretical teachings, and now that Marxism has come to a practical trial in Russia it is obvious that he is unable to surmount it in practice. The Dictatorship of the Proletariat in Russia is, we discover, the rule of a small group of people as irresponsible as the Tsardom that went before it. It is a new Tsardom without a crown. It has changed much, but it has produced no new solutions of any social problems. It has established nothing new because it came to power with a theory instead of a vision. It had no plan, no Utopia, of the state it wished to establish, but only a theory about the state it wished to destroy. It foresaw nothing; it took a pride in foreseeing nothing. Consequently it has failed to establish any kind of socialism in Russia. It has broken up the old autocracy, it has divided up large estates, but it has been obliged to leave the peasants in possession of the land. It has destroyed or estranged the educated class which is necessary to the efficient administration of the communized wealth of the country. It seems probable that the Russia that will emerge from the present con-

fusions, so far from being a new and unprecedented society, will be just a wide community of farmer proprietors, rather like—but less educated and intelligent than—the New England of the later eighteenth century, and that it will reconstruct its industrialism slowly and clumsily with the help of foreign capital on the old-fashioned individualist lines. Such a failure was inherent in the Marxist formula, or in any revolutionary method that has no Utopia. The sole vision of the Marxist future I have ever seen was a cartoon of a vast working man standing in a still vaster sunrise. As an administrative and constructive scheme it looked inadequate, and in Russia it has proved inadequate. As we get a clear vision of what is going on in Russia I believe we shall see more and more clearly the futility of non-Utopian socialism, that is to say, of planless revolutions, and that the Utopians, the constructive socialists, will recover their former ascendancy in the councils of world socialism.

But the chief enemy of Utopianism in the Western world is not the Marxist fatalist. What our western political and social life suffers from is that limitation of vision that makes men prefer short views, and immediate issues. That is the real objective of our attack here. Marxists may come and Marxists may go, but the man of short views is with us always, crippling all constructive effort.

Who do I mean by the people of short views? I mean the statesmen, the politicians, and the leading people of our times. And what do I mean by people of short views? I mean, to be plain, people imperfectly educated so that they do not see life as a whole, nor the problems of life as related in any intelligible way one to another or to any general scheme. They take the road before them because it is the road before them, and they do not ask where it leads: they are methodically short-sighted,

and they take a sort of pride in being short-sighted, as though there is something eminently practical in a restricted vision. They accept transitory conditions as though they were permanent conditions, and build on dry sand as though they built on rocks, heedless that sooner or later a storm must inevitably wash their foundations away.

Now short views work very well in settled times. For a full century before the Great War the European world seemed to be getting along very well indeed by taking short views. Politicians lived, if not from hand to mouth, at least from opposition to office. Then suddenly came the great catastrophe of the war, and found our politicians and statesmen entirely inadequate. In the place of party issues they were faced with world issues. They had no vision, no Utopia to guide them. The miserable chafferings of two years of the Peace that followed the Great War has been the result of this state of affairs. They do not know what to do with the world because they had no world Utopia ready for this crisis.

And now, having stated these preliminaries, let me go on to say something of the Utopia of a World State. I want to suggest to you now that we are still taking short views and that even this project of a League of Nations is too short a view, and not sufficiently a Utopian view for the needs of the present time. I want in general terms to discuss the aspect of the world situation to-day. There are two things in particular that I want to bring out. The first is that the American situation is fundamentally different from the European, and that the American point of view is likely to be widely different from ours for some time to come. The second is that the idea of a League of Nations is reasonable and hopeful from the American point of view, but it is quite insufficient for the present necessities of Europe.

There is one fundamental idea upon which I am working: that this world is face to face with, and has to adapt itself to, a change of conditions unprecedented in history, and that the realization of the Utopia of the World State is the only possible way of making that adaptation. What is this change of conditions? It is that there has been a complete alteration in the range of human activities through the development of new and rapid means of communication during the past hundred years. I will not remind you in detail of facts with which you are familiar; how that in the time of Napoleon the most rapid travel possible of the great conqueror himself did not average all over as much as four and a half miles an hour. Since then we have seen a development of telegraphy that has at last made news almost simultaneous about the world, and a steady increase of the rate of travel until it is possible, if not at present practicable, to fly from London to Australia (half way round the earth) in about eight days. I say possible but not practicable, because at present properly surveyed routes, landing grounds, and adequate supplies of petrol and spare parts do not exist. Given these things the journey could be done now.

But this tremendous change in the range of human activities has involved changes in the conditions of our political life that we are only beginning to work out through their proper consequences to-day. It is a curious thing that America, which owes most to this acceleration in locomotion, has felt it least. The United States have taken the railway, the river steamboat, the telegraph, and so forth, as though they were a natural part of their growth. They were not. These things happened to come along just in time to save American unity.

The growth of the United States is a process that has no precedent in the world's history, it is a new kind of

occurrence. Such a community could not have come into existence before, and if it had it would, without the railways and without the telegraph, have certainly dropped to pieces long before now. Without railways or telegraphs it would be far easier to administer California from Pekin than from Washington. But this great population of the United States of America has not only grown outrageously, it has kept uniform. Nay, it has become more uniform. The man of San Francisco is more like the man of New York to-day than the man of Virginia was like the man of New England a century ago. And the process of assimilation goes on unimpeded. The United States are being woven by railways, by telegraphy, and by aviation more and more into one vast human unity, speaking, thinking, and acting harmoniously among itself. This is, I repeat, a new thing. There have been great empires before, with populations exceeding a hundred millions, but they were associations of divergent peoples ; there has never been one single people on this scale before.

We want really a new term for this new thing. We call the United States a country just as we call France or Holland a country. But really the two things are as different as an automobile and a one-horsed shay. They are the creation of different periods and different conditions ; they are going to work at a different pace, and in an entirely different way. If you purpose—as I gather some of the League of Nations people purpose—to put the peace of the world on a combination of these two sorts of vehicle, I venture to think the peace of the world will be subjected to some very considerable strains.

Let me now make a brief comparison between the American and the European situation in relation to these vital matters, locomotion and the general means of communication. I said just now that America owes most

to the revolution in locomotion, and has felt it least. Europe on the other hand owes least to the revolution in locomotion and has felt it most. The revolution in locomotion found the United States of America a fringe of population on the sea margins of a great rich virgin empty country into which it desired to expand and in which it was free to expand. The steamboat and railway seemed to come as a natural part of that expansion into America; the steamboat and the railways came as unqualified blessings. But into Western Europe they came as a frightful nuisance. The States of Europe (excepting Russia) were already a settled, established and balanced system. They were living in final and conclusive boundaries with no possibility of peaceful expansion. And while the limits of the United States have been set by the steamboat and the railway, the limits to the European sovereign states were drawn long ago by the horse, and particularly the coach horse travelling along the highroad.

What is fundamentally the matter with European politics to-day is that all the European boundaries are impossibly small for modern conditions. How inconvenient and exasperating this political congestion is, it is difficult for a European to convey to an untravelled American. Let me take first the obvious inconveniences of the traveller. An American citizen takes it into his head to go from New York to St. Louis. He packs his bag, looks up the next train, gets aboard, and turns out at St. Louis in thirty hours' time ready for his business. A European takes it into his head to go from London to Warsaw, which is about sixty miles nearer to London than St. Louis to New York. Will he pack his bag, get aboard the train, and start? He will not. He will get a passport. He will then get a number of portraits of himself to stick on his passport. He will then have to

take the passport to the French representative in London for a French visa, or if he is going through Belgium, for a Belgian visa. When that is secured he will need a German visa. Then he must go to the Czecho-Slovak office for a Czecho-Slovak visa. Finally will come the Polish visa. Each of these endorsements necessitates stamps, rubber stamps, mysterious signatures, and the payment of fees, after which the good European is free to start. Arriving at the French frontier he will be held up for a long customs examination. If he is caught with tobacco or matches on him he will be treated with great severity. Also he will need to change some of his money into francs. The exchange is always fluctuating, and he will be cheated on the exchange. All European countries, including my own, cheat travellers on the exchange—that is what the exchange is for. He will then travel for a few hours to the German frontier ; then he will be bundled out again. The French will investigate to see that he is not carrying gold or large sums of money out of France. Then he will be handed over to the Germans ; the same business with the customs and the same business with the money. A few more hours and he will arrive in Bohemia. Same search for gold ; then customs examination, and money again. A few hours more and he will be in Poland. Search for gold, customs, fresh money. As most of these countries are pursuing different railway policies he will probably have to change trains three or four times and re-book his luggage once or twice. Arrived in Warsaw he will probably need a permit to stay there, and he will certainly need no end of permits to leave. Now there is a fuss over a fiddling little journey of eleven hundred miles!

Is it any wonder that the bookings from London to Warsaw are infinitesimal when compared with the bookings from New York to St. Louis? But what I have noted

here are only the inconveniences of the traveller. The same obstructions that hamper his free movement hamper the movement of food stuffs and all sorts of merchandise in a much greater degree. Everywhere trade is throttled by tariffs, and crippled by this St. Vitus's dance of the exchanges. Each of these European sovereign states turns out paper money at its own sweet will. In addition to these nuisances of national tariffs and independent national coinages, Europe is extraordinarily crippled by its want of any central authority to manage the most elementary collective interests: the control of vice, the handling of infectious diseases, the suppression of international criminals, and the like.

Europe is now confronted by a new problem—the problem of air transport. So far as I can see, air transport is going to be strangled in Europe by international difficulties. Any one can fly comfortably and safely from London to Paris in two or three hours, but the passport preliminaries will take days. In Europe, with its present frontiers, flying is not worth having. It is not being developed, and it will not be developed. All these are the normal inconveniences of our national divisions in peace time, but in each of these ridiculously restricted frontiers into which the European countries are packed lies the possibility of war. National independence means the right to declare war. And so each of these packed and strangulated European countries is obliged, by its blessed independence, to maintain as big an army, and as big a military equipment as its bankrupt condition—for we are all bankrupt—permits. Since the end of the Great War nothing of real value has been done to ensure any European country against the threat of war, and nothing can be done to lift that threat so long as the idea of national independence over-rides all other considerations. Not one of the sovereign European states

I have mentioned between London and Warsaw is larger than the one single American state of Texas, and not one has a capital that cannot be effectively bombed by aeroplane raiders from its frontiers within five or six hours of a declaration of war. And the aerial bombs of to-day will, I can assure you, make the biggest bombs of 1918 seem like little crackers.

I have dwelt on these differences between America and Europe because they involve an absolutely different outlook towards world peace projects, towards Leagues of Nations, World States and the like, on the part of the American and on the part of the European. The American lives in a political unity on the big modern scale. He can go on comfortably for a hundred years yet, before he begins to feel tight in his political skin. He believes by experience in peace, but he feels under no passionate urgency to organize it. I doubt if it would make any very serious difference in the ordinary life of Kansas City, let us say, if all Europe were reduced to a desert in the next five years. But, on the other hand, the intelligent European is up against the 'unity of Europe' problem night and day. Europe cannot go on; European civilization cannot go on, unless that net of boundaries which strangles her is dissolved away. The difficulties created by language differences, by bitter national traditions, by bad political habits, and the like, are no doubt stupendous. But stupendous though they are they have to be faced. Unless they are overcome, and overcome in a very few decades, Europe will enter upon a phase of decadence and social dissolution as profound and disastrous as that which closed the career of the western Roman Empire.

The task that lies before Europe now is an enormous educational effort. Europeans have to revise and enlarge their ideas of patriotism. They have to repeat on a much greater scale, and against far profounder prejudices, that

feat of understanding and readjustment that was accomplished by the American people between 1781 and 1788. If Europe is to be saved from ultimate disaster Europe has to stop thinking in terms of the people of France, the people of England, the people of Germany, the French, the British, the Germans, and so forth. We have to think of the civilized people of the world. If we cannot bring our minds to that, there is no hope for us. Only by thinking of all peoples can any people be saved. Fresh wars will destroy our social fabric and we perish as nations, fighting.

But there are many people who think that there is at least one political system in the Old World which, like the United States, is large enough and world-wide enough to go on by itself under modern conditions. They think that the British Empire can, as it were, stand out of the rest of the Old World as a self-sufficient system. There are others again who think with the late Lord Fisher that with the support of, and in co-operation with, the other half of what they are fond of calling the Anglo-Saxon peoples, the Empire can maintain itself indefinitely. Well, I do not think these ideas about the British Empire will stand analysis. I hope that I have succeeded in showing that the size and manageability of all political states is finally a matter of transport and communications. Let me go on applying these ideas now to the British Empire. I have shown that the great system of the United States is the creation of the river steamboat and the railway. Quite as much so is the present British Empire the creation of the ocean-going steamship—protected by a great navy. For you must remember that the bulk of the British Empire is a growth built up in the last hundred years. It is a modern ocean state, just as the United States is a modern continental state.

But let us ask how long is the steamship going to remain

the dominant means of transport in the future? And can any navy—in view of the ocean-going submarine—permanently protect the ocean routes that were once so safe for the British. At present people go to India or Australia by sea—on a liner. Will they be doing that even twenty years from now? We think at once of air-craft. Now, it was recently my duty to study the general conditions of air transport in the future with some care. Two convictions have emerged from those studies. The first is that the air routes, when they are developed in the Old World, will lie not over the seas but over the land, and over the great plains of the land. That, I think, must be the key to all our political anticipations of the future of the air. That is going to be a dominant consideration in the political geography of the next century.

Now there is my second point—the British Empire possesses no main air routes in the world at all. The air highways from one part of the Empire to another for passengers, compact goods, and so forth, fifty years from now, will go over foreign countries, and will naturally have to go over these countries with the consent of the countries involved. For most parts of the Empire it is not even possible to go round by a longer way, and get there by air. This great Empire of the steamship is not adapted to air transport. That is a fact of fundamental importance that we British have to face. The whole of the Old World is indeed under one common and now very urgent necessity to pool its sovereignties and put its general affairs under one supreme control, if only out of consideration for the development of air transport.

If the contrast I have drawn between American and European conditions is a sound one the struggle for world order and world unification will not at first be world-wide. The battle-ground will not be universal

It will be more urgent and more intense in Europe. Europe is necessarily the immediate battle-ground for international ideas. Europe is first to be saved by the victory, and Europe will be first to be destroyed by the failure of internationalism. And the struggle for world unity must be waged to begin with in one definite direction; there must be a steadfast systematic attack upon the ideas of nationalism and aggressive patriotism in Europe.

The schools of all European countries at the present time teach the most rancid patriotism; they are centres of malignant political infection. The children of Europe grow up with an intensity of national egotism that makes them, for all practical international purposes, insane. The British learn nothing but the glories of Britain; the French are, if possible, still more insanely concentrated on France; the Germans are just recovering from the bitter consequences of forty years of intensive nationalist education. The first task before us in Europe is to release its children from the nationalist obsession—to teach the mass of European people a little truthful history in which each one will see his own country in the proper proportions and a little truthful ethnology in which each country will get over the delusion that its people is a distinct and individual race. The history teaching in the schools of Europe is at the very core of this business. But the churches also can help—might help. The Press and literature too, might take their share in the creation of an international mind. For it is the international mind that the world needs. To make that is our first task. And on that as a foundation we may then hope to build in reality this Utopia, the Utopia of all mankind.

Now this is an immense proposal. Is it a preposterous one? Let us not shirk the tremendous scale upon which

the foundation of a World State of all mankind must be laid. But remember that however great that task before us may seem, however near it may come to the impossible, nevertheless in the establishment of one world-rule and one world-law lies the only hope for our race, the only hope of escape from an increasing tangle of wars, from social overstrain, and a social dissolution so complete as to end for ever the tale of mankind as we understand mankind.

And now as to its immensity. It is a proposal to invade hundreds of millions of minds, to attack certain ideas established in those minds, and either to efface those ideas altogether or to supplement and correct them profoundly by this new idea of a human commonweal. We have to get, not only into the at present intensely patriotic minds of Frenchmen, Germans, English, Irish, and Japanese, but into the remote and difficult minds of Arabs and Indians and into the minds of the countless millions of China, this common idea of the possibility of the World State.

Is there any precedent to justify us in hoping that such a change in world ideas is possible? I think there is. I would suggest that the general tendency about these things to-day is altogether too sceptical of what reading and propaganda can do in these matters. In the past there have been very great changes in human thought. I need scarcely remind you of the spread of Christianity in Western Europe. In a few centuries, the whole of Western Europe was changed from the wild confusion of warring tribes that succeeded the breakdown of the Roman Empire into the unity of Christendom, into a community with such an idea of unity that it could be roused from end to end by the common idea of the Crusades. Still more remarkable was the swift transformation in less than a century of all the nations to the

south and west of the Mediterranean from Spain to Central Asia, into the unity of Islam, a unity which has lasted to this day. In both these cases what I may call the mental turnover was immense. But I think, if you will consider the spread of these very complex and difficult religions, and compare the means at the disposal of their promotors with the means at the disposal of intelligent people to-day, you will find many reasons for believing that a recasting of people's ideas throughout the world into the framework of a universal state is by no means an impossible project. These teachings of the past were spread largely by word of mouth. Their teachers had to travel slowly and dangerously. People were gathered together to hear with great difficulty, except in a few crowded towns. Books could be used only sparingly. Few people could read, fewer still could translate, and manuscripts were copied with extreme slowness and difficulty upon parchment. There was no printing, no paper, no post, and except for a very few people there were no schools at all. Both Christendom and Islam had to create their common schools in order to preserve even a minimum of their doctrine from generation to generation.

Now to-day, we have means of putting ideas and arguments swiftly and effectively before people all over the world at the same time, such as no one could have dreamt of a hundred years ago. We have not only books and papers, but in such things as the cinema we have a means of rapid, vivid presentation still hardly used; we have schools, common schools, nearly everywhere. And here in the need for an over-ruling World State we have an urgent, a commanding human need. We have an invincible case for the World State, and an unanswerable objection to the nationalism and patriotism that would oppose it. Is it not almost inevitable that some

of us should get together and organize a propaganda on modern lines of this organized world peace, without which our race must perish? The world perishes for the want of a common political idea. It is possible to give the world this common political idea—the idea of a Federal World State. We cannot help but set about doing it.

So I put it to you that the most important work before men and women to-day is the preaching and teaching, the elaboration and realization of the Utopia of the World State. We have, through the work and thought of thousands of minds, to create a vision of it, to make it seem first a possibility, and then an approaching reality. We have to spread this idea of a Federal World State as an approaching reality throughout the whole world. We can do this through a hundred various channels. We can do it through the Press, through all sorts of literary expression, in our schools, colleges, and universities, and all such special organizations, and last but not least, through the teaching of the churches—for all the great religions of the world are in theory universalist, they may tolerate the divisions of men, but they cannot sanction them. We can spread ideas and suggestions now with a hundred times the utmost rapidity of a hundred years ago. The movement need not intervene at once in politics. It is a prospective movement, and its special concern will be with young and still growing minds. But as it spreads it will inevitably change politics. The nations, states, and kingdoms of to-day which fight and scheme against each other as though they had to go on fighting and scheming for ever will become more and more openly and manifestly guardian governments, governments playing a waiting part in the world while the World State comes of age. For this World State, for which the world is waiting,

must necessarily be a fusion of all governments and heir to all the empires.

It is to the task of creating the idea, the hope and the expectation of a World State in as many minds as possible that I ask you to give yourselves. To us who are writers and teachers and the like, there comes now this possibility of a splendid creative work. I do not think that it will appeal to us in vain.

XI

THE TEACHING OF HISTORY AND WORLD PEACE[1]

EILEEN POWER

THE teacher of history who is also a believer in what (for want of a better word) we call internationalism, must often have asked himself in despondency why it is that the teaching of history in the past has so often worked against peace and international good feeling. For certainly the devil can quote history to his purpose and Clio has too often been a *vivandière* in the army of politicians and militarists, instead of a grave and just muse, whose equal gaze surveys the world and whose hands weigh men's deeds in a balance. The historian is driven to demand of himself whether history is not indeed an unmitigated curse to humanity, keeping alive the memory of old enmities better dead, teaching that because a thing has been therefore it always shall be ; a sort of malignant old man of the sea, clinging to our shoulders and preventing us from moving to new and better things. How much simpler, for instance, would be the solution of the Polish question, if the Poles were unacquainted with the bounds once reached by their kingdom, how much simpler that of the Irish question, if all knowledge of history could be expunged from the minds of the Irish people. There was a *mot* current in Ireland in the summer of 1916, ' What was the temperature of Dublin during

[1] Expanded from the introduction to the second edition of the author's *Bibliography for Teachers of History* (Methuen).

the Easter Revolt ?—98° in the shade '. It was a pregnant witticism. The temperature of France to-day is 70° in the shade and there lies the key to the profoundly disquieting trend of French policy during the past two years. Is not the lover of mankind sometimes justified in thinking that it would be better for the future of the world if all the history books could be consumed in one vast *auto da fe*, just as the Chinese ' First Emperor ', who wished a new era to begin with himself, caused to be burned throughout his empire all books in which were inscribed the annals of the past ?

But we cannot destroy history, nor need we, for it is not history which is the enemy of mankind, but a mistaken and imperfect reading of history. Our task is not to reject in despair the most fascinating and most human of studies ; it is to bring back truth and proportion into history and to ask ourselves, not vaguely but with precision, how it may be taught so as to widen instead of to narrow sympathies. The purpose of history teaching, as indeed of all teaching, is the disinterested study of truth. But the pursuit of truth in school teaching is a question of method rather than of subject matter. Besides this general search for truth what particular lesson has history to offer us ? Surely the teacher, looking round upon a troubled world, is driven to see more and more clearly that the great aim of history teaching must be to show mankind its common heritage in the past and its common hopes for the future.

Democracy sorely needs this lesson. Children to-day are born into a world in which two problems must be solved or the people perish. One is the problem of labour ; the other is the problem of international relations. The internal and external peace of every country depends on a solution being found. How can a solution, other than international or class war, be found ? only by under-

standing these problems in their origin and development, and by bringing to them a certain spirit, which will found upon understanding the knowledge of how to live in a community, that old knowledge which man began to seek even in the prehistoric cave.

The study of history, then, must explain his environment to the young citizen of the world ; and at the same time must leave him with a sense of community which is confined neither to his own class nor to his own nation. It is with a regard for these ends that the teacher must select his subject-matter. But history as hitherto taught in the majority of schools has been ill-adapted to either purpose. It has dwelt almost exclusively upon the abnormal, the kings, the wars, the high politics, and it has dwelt almost exclusively upon the national ; it is a sobering thought that to the majority of the children of Europe the people of other nations have appeared as ' the enemy ' or ' the allies ', in the long series of struggles which form so great a part of political history. Yet infinitely more time has been spent by infinitely more people in the pursuit of the normal, and the likenesses between different nations engaged in the pursuit of the normal are infinitely greater than their differences. If a child is to leave school with some understanding of the why and the wherefore of these matters, with which as a citizen he will be intimately concerned, we must teach him more social history and we must teach him more world history. No child ought to leave school without knowing something of the work of ordinary people and the history of every-day things in England ; it is just as important that he should understand (for instance) the origin and development of the trade union movement as that he should understand the causes of the war of the Spanish Succession. And no child ought to leave school without knowing something of the history

of the world: it is just as important that he should understand the place of his country within the larger whole of mankind, swept by great movements common at least to Europe, as that he should understand the place of Whigs and Tories in the politics of his country.

The problem of the history teacher is not solved when he has made a selection of his subject-matter; of much greater importance is the spirit in which that subject-matter is approached. There is, to begin with, the question of the search for truth, which should dominate all teaching. Now truth is mainly a question of giving events their true proportion. As Professor Harvey Robinson points out 'to make true statements is not necessarily to tell the truth. We may, like the "yellow" journalist, narrate facts, but with such a reckless disregard of perspective . . . that unvarnished fiction may be better'.[1] It is to be feared that a great many of our text-books show traces of the yellow journalist's pen. Consider the usual treatment of the seventeenth century. There is probably not one of them which does not mention that in 1649 King Charles I lost his head. There is probably not one of them which mentions that in 1645 Sir Richard Weston introduced the turnip into England. Yet the turnip has had more effect upon the history of England, political and economic, than King Charles's head, as we should understand if so many of our history books had not been written by Mr. Dick. The turnip, by providing a new winter crop, gave the country at once more bread and more meat, since the farmer who introduced it no longer had to leave a third of his land fallow every year, nor to kill off a large proportion of his cattle every autumn, because the hay crop and the scanty pasture

[1] The quotations from Professor Harvey Robinson in this paper are taken from his admirable and stimulating collection of essays called *The New History* (Macmillan Co.).

were not sufficient to support them. The turnip gave an extra stimulus to the enclosure movement, which was an economic benefit, although the method by which it was carried out made it too often a social disaster. The turnip made possible that immensely increased production of food, which at the close of the eighteenth century enabled England to feed a population increasing by leaps and bounds, owing to the Industrial Revolution, at the very moment when the Napoleonic war was narrowing the source of supply by shutting out foreign markets. The turnip it was which enabled her to hold out during the struggle and from her agricultural and industrial wealth to finance her allies. If the armies of Russia marched against Napoleon under the leadership of General January and General February, the armies of England were headed by General Turnip. The battle of Waterloo was won upon the turnip fields of Townsend. Yet where in our history text-books is the meed due to this distinguished warrior ?

Let us take another example. All children know that Van Tromp sailed up the Channel with a broom at his mast head ; but how many know that Vermuyden drained the fens, a story just as romantic and entertaining and of far more lasting importance. Hostility to the Dutch does indeed mark the seventeenth century. We fought them from the Spice Islands to the Channel, we promulgated Navigation Acts against them, our foreign policy is a series of attacks upon them. But all the time Dutch refugees develop our industries, Dutch models teach us banking, Dutch bulbs adorn our gardens, Dutch methods of cultivation gain ground in our fields, Dutch engineers drain our fens ; the very trouble in the Spice Islands is due to the fact that a Dutch East India Company has given the model for a greater English East India Company ; in the end we are reduced to getting a king from them.

Yet the Dutch in the seventeenth century go down in text-book history as the enemy.

Let us turn to the European history of the same century. In a recent entrance scholarship examination to a university college a question was set on the results of the Thirty Years War and some twenty answers were sent in. The political and ecclesiastical results were given with accuracy and intelligence ; the clauses of the Treaty of Westphalia were, apparently, as familiar to the candidates as the multiplication tables ; the pages were strewn with *Cuius Regio eius Religio*, with France gained this and Sweden gained that. But only one out of all those young people had thought to speak of the misery of the people, upon whose soil that war, one of the most devastating in European history, was fought. The writers were living in a world bled white in an even more devastating war ; its horrors must have reached every home ; yet so strong was the hold of traditional history upon them that they did not think of turning back to the seventeenth century with some of the experience which *this* war has given them of what war means, or of asking what results the Thirty Years War had upon the people of Europe, who are to-day in the grip of starvation and of typhus ; they were content to believe that territorial acquisitions and ecclesiastical settlements alone were the results of war and that these alone were history.

To teach the seventeenth century in such a way is to disregard truth. The teacher is not absolved from the necessity of teaching civil wars and Dutch wars and Thirty Years wars ; if he left them out he would still be a yellow journalist. But he must set them side by side with turnips and the development of civilization ; he must show that war means acquisitions and settlements but also unspeakable miseries. And he must try

to leave in his pupils' minds some sense of the proportions borne by these things to each other. For in this proportion lies truth.

It is perhaps possible for the teacher to do even more. If the League of Nations is ever to be a success it must be driven by an educated public opinion. An educated public opinion will recognize that in spite of national antagonisms and divergent interests mankind as a whole is what the League of Nations presupposes it to be: a community with common aims and a common history. 'There can be no common peace and prosperity', says Mr. H. G. Wells in the introduction to his gallant *Outline of History*, 'without common historical ideas.' It is unnecessary to labour the point that consciousness of a common history is one of the most potent of unifying agents. There is not a nationalist movement which has not buttressed itself by an appeal to national history, and of late years class solidarity has been promoted in precisely the same way, as every one is aware who has studied the influence of the Marxian interpretation of history upon the labour movement. Both national solidarity and class solidarity are good things, in so far as they promote cohesion, but they are good only up to a point; when they operate so as to prevent intercourse and understanding between nation and nation and between class and class they are bad. The only way to cure the evils which have arisen out of purely national history (and to a less extent out of purely class solidarity) is to promote a strong sense of the solidarity of mankind as such; and how can this be better begun than by the teaching of a common history, the heritage alike of all races and of all classes? Hitherto children have left school with some idea of the history of their nation. If the League of Nations is ever to be real they must leave it with some idea of the history of that other community to which they belong, mankind.

There are many ways in which this sense of mankind as a community may be fostered.

1. It may be done by the teaching of world history and more particularly of European history. A course of world history should, at some time or other, find a place in the curriculum of every child. The longer school life of the secondary school pupil has always made such a course possible in the secondary schools, and in some schools it already has a place. With the extension of school life secured by the Education Act of 1918, no child need leave without an outline knowledge of world history.

In dealing with any course as wide as world history, or even of European history, the most which the teacher can do is to bring out the great movements and the really important events. Otherwise the pupil will at worst find himself struggling in a morass of detail, and at best fascinated by an intricate pattern of personages and occurrences, which though entertaining in themselves have no particular significance or relation to each other. As soon as we begin to teach history on this large scale, we have to subject our material to the most rigid selection. 'There is a very simple principle,' says Professor Harvey Robinson, 'by which the relevant and useful may be determined and the irrelevant rejected. Is the fact or occurrence one which will aid the reader to grasp the meaning of any great period of human development or the true nature of any momentous institution?' If history be subjected to this acid test, the child who has given some years to the study of world or of European history, will have, not a detailed knowledge of certain periods or countries (which is a matter for the specialist), but, what is better, some understanding of the value and significance of the march of civilization.

2. A sense of the solidarity of mankind is also stimulated by an insistence throughout upon social history, whether

it be English or world history that is being taught. Social history necessarily lays more stress than does political history upon the likenesses of nations, upon their interdependence, upon the debts which the civilization of each owes to that of the others. The fundamental problem is, after all, the same for all men ; it is to conquer nature. Man is a creature who grows things, and agriculture is everywhere much alike. He is a creature who makes things, and the development of industry is everywhere very much alike. He is a creature who exchanges things and people who exchange are dependent upon each other ; their trading ships are in the long run more important than their battle-ships. Everywhere man interests himself in the same things ; he founds religions, he builds houses, he clothes himself more or less elaborately, he makes verses. These similarities are the normal, and it is in the normal that the common history of man becomes clear.

3. The same impression may be drawn from the study of English history, if the teacher treat England not as an isolated planet, moving through space and at intervals colliding disastrously with other planets ; nor as the sun, round which the stars move ; but as part of a whole in which other nations are also parts. The framework of European history ought to be insisted upon throughout the syllabus and whenever the events dealt with are part of general movements, affecting the rest of Europe, this should be made clear. For instance, the teacher who has to describe the Roman occupation will be more concerned to make his class understand what Rome the conqueror was, than to impress upon them that the island of Britain was conquered ; the teacher who describes the Danish raids will not treat them as an episode in the history of England, but will rather treat England as an episode in the wider story of that indomitable race, who sped in fleet

ships with beautiful names to France and round the coast of Spain and into the blue Mediterranean to Byzantium itself, and again through cold seas to Iceland and Greenland and to the soon-lost continent of Vineland the Good. Everywhere his aim should be to show how England has been part and parcel of a common civilization. It is more important that a child should understand something of the great mediaeval ideal of a world church and a world empire than that he should know the puzzling details of the quarrel between Anselm and Becket and the English kings, which is intelligible only as the backwash of a larger struggle. Indeed, throughout the Middle Ages all the most important forces in English life were European forces, which lose half their real meaning if presented in isolation.

4. The brevity of the period of time covered by history, as compared with the vast aeons of prehistory, in itself helps to emphasize the oneness of the community of mankind. After all nations are so much younger than man. Professor Robinson has on this point an extremely suggestive passage, which is worth quoting in full: 'In order to understand the light which the discovery of the vast age of mankind casts on our present position, our relation to the past, and our hopes for the future, let us borrow, with some modifications, an ingenious device for illustrating historical perspective. Let us imagine the whole history of mankind crowded into twelve hours and that we are living at noon of the long human day. Let us, in the interests of moderation and convenient reckoning, assume that man has been upright and engaged in seeking out inventions for only two hundred and forty thousand years. Each hour on our clock will then represent twenty thousand years, each minute three hundred and thirty-three and a third years. For over eleven and a half hours nothing was recorded.

We know of no persons or events, we only infer that man was living on the earth, for we find his stone tools, bits of his pottery, and some of his pictures of mammoths and bison. Not until twenty minutes before twelve do the earliest vestiges of Egyptian and Babylonian civilization begin to appear. The Greek literature, philosophy, and science of which we have been accustomed to speak as ancient are not seven minutes old. At one minute before twelve Lord Bacon wrote his *Advancement of Learning* . . . and not half a minute has elapsed since man first began to make the steam engine do his work for him.'

5. There remains to consider one other method, which may find place as an adjunct to the history lesson, though not in the history lesson itself. This is the method of direct teaching in internationalism. We have, for example, our Empire Day. Why not also our Humanity Day, celebrating not merely the great soldiers and sailors, who have been the glory of our nation, but all the great men who have conquered nature or disease, created beauty, or won knowledge for the service of mankind? The explorers, men of science, rebels, reformers, servants of the people, men and women such as those whose names are enshrined in Comte's Positivist *Calendar of Great Men of all Ages and Nations*,[1] of which it has been said that a more comprehensive and catholic sympathy and reverence towards every kind of service to mankind is not to be met with in any other thinker. Every boy and girl knows something of Julius Caesar, the Black Prince, Robert Bruce, Cardinal Wolsey, the Duke of Marlborough, and William Pitt, but who knows anything about Erasmus,

[1] *The New Calendar of Great Men, Biographies of Worthies of All Ages and Nations*, in the *Positivist Calendar*, Second Edition. Edited by Frederic Harrison, S. M. Swinny, and F. S. Marvin. (Macmillan).

Galileo, Grotius, Pasteur, Elizabeth Fry, Froebel, or Tolstoy? Every one can reel off a list of the wives of Henry VIII, but who can give a list of the disciples of St. Francis of Assisi? It is the heroes of peace, both English and foreign, who must be celebrated on Humanity Day; but they must be celebrated in a humane spirit, not in the spirit which sets on Miss Cavell's statue 'For King and Country', when she (wiser and more hèroic) said 'I see that patriotism is not enough'.

Again, many schools have already introduced into their curriculum some simple instruction in the duties of citizenship. It would not be difficult to widen their conception of citizenship and to teach them the links which bind all civilized men together. In continuation schools and in the upper classes of secondary schools a more reasoned study would be possible, approximating to the adult study circle or tutorial class. Already in some of these schools a weekly class is held for the discussion of current events, and much can be done in this way to form a life-long habit of taking an interest in international relations.[1]

These are only a few of the many ways in which children may be brought to an understanding of the common history of mankind; to many teachers they will fortunately seem very obvious, for it is a very hopeful thing for the future that so many enthusiastic and responsible teachers are already bending their energies to the task of teaching history in this spirit. We cannot doubt that such an understanding will do something to create in the child a feeling of community with his fellow men of all nationalities and a sense that a war, such as that

[1] A good little book as a basis for such a class is Miss Melian Stawell's *Patriotism and the Fellowship of Nations* (Dent). For an interesting experiment in correlating history and politics see Gollancz and Somervell, *Political Education at a Public School* (Collins).

from which we have emerged, is as truly a civil war as were the wars of king and parliament in the seventeenth century. The schools are the engine rooms in which power is created to drive the machinery of the League of Nations, which without it must stand motionless and rust away.

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